

LAWS
OF A
LOCAL NATURE,
PASSED AND PUBLISHED
AT THE TWENTY-NINTH SESSION OF THE GENERAL ASSEMBLY
OF THE
STATE OF INDIANA,

BEGUN AT INDIANAPOLIS

ON THE

FIRST MONDAY IN DECEMBER, 1844.

BY AUTHORITY.

INDIANAPOLIS:
J. P. CHAPMAN, STATE PRINTER.

1845.

L A W S
OF A
L O C A L N A T U R E.

CHAPTER I.

An Act to revive and amend an act, entitled "an act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839.

[APPROVED JANUARY 8, 1845.]

WHEREAS, An act, entitled "an act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839, has expired in consequence of the said company not having commenced the work on said road within five years from and after the passage of said act; AND WHEREAS, the citizens of Wayne and Union counties have subscribed for the construction of a turnpike road on the route designated in the said act, the sum of twenty thousand nine hundred and ninety-five dollars, the subscription for the same being in the following words, to-wit: "We the undersigned, in consideration that Daniel P. Wiggins, Daniel Clark, Solomon Horney, Alexander Grimes, Sen'r., George Grimes, Jacob Lybrook and Richard Sedgwick, will commence this summer or next fall, and prosecute thereafter to final completion, by themselves or others, and for the benefit of a company to be hereafter incorporated, a turnpike road from Richmond by the way of Boston, to a point on the State line, to unite with the Fairhaven turnpike, and will hereafter procure a charter of incorporation from the Legislature of the State of Indiana, incorporating the subscribers of stock in said company, who now or hereafter may subscribe for the same, promise and agree to and with the said persons above named, to take the number of shares of stock in

said turnpike company, of the value of fifty dollars each, set opposite our names; and we further promise to pay for the said stock to the said persons above named or their assignees, in ten equal semi-annual instalments of five dollars each, for the benefit of said company, to be formed of said subscribers, to be laid out in making and completing said turnpike; and we further promise to pay the first instalment when the said work shall commence; and it is further agreed with the said persons above named, that when said charter of incorporation shall have been revived and accepted by said company, that then our respective subscriptions shall be taken and considered to be due and payable, and as fully transferred to said company, as if the same had been originally made to said corporation, with the full right to collect and receive in the name of said corporation." AND WHEREAS, Also five miles of said road have been surveyed and put under contract for its completion, and that distance of said road actually graded; AND WHEREAS, six hundred and ninety-three dollars of said subscriptions have been paid by the subscribers, to the persons in said subscriptions named: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said "act to incorporate the Richmond and Boston Turnpike Company, approved February 15, 1839," be, and the same is hereby revived, subject to the qualifications and amendments hereinafter expressed, as fully as if the same had never expired.

SEC. 2. *Be it further enacted*, That the first section of the act aforesaid be, and the same is so amended, as to substitute in place of the names of Robert Morrison, Joseph Pyle, James R. Mendenhall, Robert Hill, Irvin Reed, William Scarce, William Hill, Jason Ham, David S. Evans, Benjamin Fulghum, Daniel D. Sloan, Philip Lybrook, Enoch Railsback, Alexander Grimes, the names of Daniel P. Wiggins, Daniel Clark, Solomon Horney, Alexander Grimes, Sen'r., George Grimes, Jacob Lybrook and Richard Sedgwick.

SEC. 3. The capital stock of said company shall not be less than twenty thousand dollars, nor more than forty thousand dollars, divided into shares of fifty dollars each.

SEC. 4. That the seventh section of said act be, and the same is so amended, as to read at the second line, twenty thousand dollars including the subscriptions already made, instead of the words fifty thousand dollars.

SEC. 5. The first line of section ten of said act shall be, and the same is hereby so amended, as to read directors, instead of stockholders.

SEC. 6. That the subscriptions made in manner aforesaid, to the persons in the preamble of this act mentioned, shall be due and payable to them or a majority of them surviving, and after the first election of directors, the said subscriptions shall be due and payable to said directors and their successors in office; and that all suits for

the recovery of the same, may be brought in the name of said corporation, severally against said subscribers, in any court having jurisdiction thereof, and it is expressly understood, that this provision is to operate as a transfer of the subscriptions to the directors and their successors in office, as effectually as if a formal assignment should be made.

SEC. 7. That the second section, and so much of the first, seventh and tenth sections of said act entitled "an act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839, and by this act revived, be, and the same are hereby repealed.

SEC. 8. This act to be in force from and after the third day of January, one thousand eight hundred and forty-five.

CHAPTER II.

An Act to revive an act, entitled "An act to incorporate the City of Logansport, approved Feb. 17, 1838."

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the City of Logansport shall hereafter embrace the following limits, to-wit: commencing at the point of the junction of Eel and Wabash rivers, thence up said Eel river along the line of low water mark to the aqueduct; thence south along the east bank of the canal to High street; thence east along said High street to Eleventh street; thence along Eleventh street, and continuously therefrom to the south bank of the canal; thence west along the tow-path bank to the bridge on Berkley street; thence along said Berkley street to low water mark on the north bank of the Wabash river; thence west along the line of low water mark to the place of beginning.

SEC. 2. The inhabitants of said City shall be a corporation by the style of the "City of Logansport," and by such corporate name may sue and be sued in any court of law or equity; and may do all other acts in conducting such legal proceedings as though said city were a natural person: said corporation may adopt a common seal, and alter the same at pleasure; and may take, purchase, hold and convey any real and personal estate which the purposes of said corporation may require—not exceeding in value at any one time, twenty thousand dollars.

SEC. 3. Said city shall be divided into six wards as follows, to-wit: *First Ward*—Bounded north by Market street, east by the canal and Oak street.

Second Ward—Bounded north by Broadway, east by the canal, and south by the first ward.

Third Ward—Embracing that part of the city north of Broadway and west of the canal.

Fourth Ward—Comprising that part of the city east of the first ward, and south of Market street.

Fifth Ward—Bounded on the west by the canal, north by High street, east by the alley between and parallel to Seventh and Eighth streets, south by Market street.

Sixth Ward—To include all the city territory east of the fifth ward and north of the fourth ward.

The division, streets and alleys are included in each of the wards they divide, for street and road purposes; and each ward is hereby made a road district, within the meaning of the general laws of this State, except as hereinafter provided; and every two years said wards may be altered or increased at the pleasure of the common council.

SEC. 4. On the first Tuesday in April next, and annually thereafter, each of said wards shall elect an alderman by ballot.

SEC. 5. Each person offering to vote, shall deliver his ballot so folded as to conceal the contents, to one, in the presence of the other inspectors of election; the ballot shall be a paper ticket, on which shall be written or printed the name of the person for whom the elector intends to vote, and shall designate the office to which the person so named is intended to be chosen, and if such ballot designate more than one name to fill said office, it shall be registered by the inspectors.

SEC. 6. The poll of all elections held in pursuance of this act, shall be opened at one o'clock, in the afternoon, and closed at four o'clock, P. M. of the same day. So far as can be, poll lists shall be kept in the manner provided by law for keeping such lists at State and county elections.

SEC. 7. Every person offering to vote at the first election under this revived charter, shall, if required by any qualified voter, take the following oath or affirmation before he is permitted to vote, to be administered by one of the inspectors: "You do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, that you have resided within the present limits of the city of Logansport for the last twelve months, that you are now a resident of this ward, and that you have not voted in any other ward at this election;" and in all subsequent elections, the proposed voter shall, when required as aforesaid, answer further on oath or affirmation, whether he has been assessed in said city, and has paid his poll and property tax, and worked out or paid his road tax; and for perjury or illegal voting in the premises, the party guilty shall be answerable for such offence on indictment, in like manner as in a State election.

SEC. 8. After the poll of any election is closed, the inspectors in

each of said wards shall, on the same day, canvass and estimate the votes given at such election. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree; the ballots shall be counted unopened, except so far as to ascertain that each ballot is single, and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed.

SEC. 9. If the ballots shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess: the ballots and poll lists being thus found or made to agree, the inspectors shall proceed to canvass and estimate the votes.

SEC. 10. The canvass being completed, the inspectors having made out a written statement of the result, designating by name the person elected, and by what majority, and likewise designating by name the other candidates, with the number of votes received by each, shall sign a certificate of its correctness, and shall file the same, together with the poll lists, with the recorder of the city, on the same or the next day after the canvass shall be completed; and the persons thus designated as having the highest number of votes shall be duly elected aldermen in and for their respective wards.

SEC. 11. After the first election held under this act, the common council shall appoint three discreet persons as inspectors of election in each ward, and shall give public notice in the newspapers in said city, at least fifteen days prior to the day of the election, of the place of holding said election in each ward.

SEC. 12. The aldermen elected at the April election, shall enter on the duties of their office on the second Tuesday in April in each year, and hold the same for one year, and until others are elected and qualified; and all officers elected or appointed, shall, before entering on the duties of such offices, take and subscribe before some competent authority, the oath prescribed by the eleventh article of the Constitution of this State, and file the same in the office of the recorder of said city.

SEC. 13. Any vacancy in the office of alderman, caused by death, resignation or otherwise, may be filled by a special election, called and appointed by the common council, in the ward where such vacancy has occurred; and shall be conducted in all respects and under the same regulations as an annual election. Vacancies in all other offices shall be filled by the common council.

SEC. 14. Said aldermen, at their first meeting on the second Tuesday in April, shall elect a mayor of the city by ballot, from their own number. [The aldermen so organized, shall constitute the common council; the mayor shall preside at the meetings of the council, but he shall have only one vote by virtue of his offices of

alderman and mayor; in his absence any member of the council may be appointed president pro tem., under like restrictions.]

SEC. 15. At their first, or any subsequent meeting, the common council shall elect by ballot, one assessor, one high constable, one treasurer and collector, one attorney, one recorder, one inspector of flour, one auctioneer for the city, and one supervisor for each of the six wards: *Provided*, That they elect only such of the above officers as the interests of the city require.

SEC. 16. Any person having been an officer in said city, who shall not within ten days after notification and request, deliver to his successor in office, all moneys, property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, shall forfeit and pay to the said city, the sum of one hundred dollars, to be recovered by action of debt in the name of said corporation, before the mayor thereof; and in the trial of this and all other cases of penalties over twenty dollars arising directly or indirectly out of this charter, either the city or the opposite party may call a jury; and each party may challenge peremptorily four jurors, and no more.

SEC. 17. The duties of treasurer and collector shall hereafter be performed by the treasurer, who shall, before entering on such office, execute a bond to the city of Logansport, in such sum, and with such sureties, as the common council may approve, conditioned that he shall faithfully perform the duties of treasurer and collector, and pay over all moneys [received] by him as such; which bond, with the approval of the common council endorsed thereon by the recorder, shall be filed in the office of said city recorder, and also copied at length in the records of the council.

SEC. 18. Every person elected high constable, shall in like manner execute bonds with sureties to be approved by the council for the faithful performance of his duties as such constable, and conditioned further to pay to the persons entitled thereto, all moneys that may come into his hands by virtue of his said office, by reason of any precept, execution, distress warrant, or otherwise, which shall be delivered to him for collection; which bond shall be approved and copied as provided in case of treasurer's bond, and such bonds may be put in suit by any person or body politic aggrieved by the official acts of such officer, in the name of the city, for the use of the party aggrieved; and such bonds shall not be void for want of form, nor for want of any of the formalities in this charter prescribed, the deficit being suggested on the record, each recovery thereon shall carry ten per cent. damages, as well as costs. A copy of such bond certified by the recorder under the corporate seal, shall be presumptive evidence in all courts of the execution thereof by such officer and his sureties: *Provided*, That actions on such bonds shall be presented within three years after the expiration of the year in which they were given, and not afterwards, unless such officer or his sureties were not during that time residents of the county of Cass.

SEC. 19. The mayor of said city is hereby made a conservator of the peace, with the jurisdiction of a justice of the peace within the limits of the city, in all criminal cases and petit misdemeanors arising under the laws of the State, or growing out of this act, or any ordinance made, ordained or established by the common council. The high constable is hereby made an officer of the mayor's court, with all the privileges, duties and immunities of constables generally. All process shall be directed to the high constable, or in his absence to a constable specially appointed by the mayor. From all decisions of the mayor an appeal may be taken in the same manner as from justices of the peace. As far as practicable, the mayor shall be governed by the laws and forms for regulating the duties of justices of the peace, and be entitled to the same fees for like services. All mesne process shall be sealed with the private seal of, and made returnable before, the mayor. The mayor shall have power to compel the attendance of the aldermen by warrant, to be served by the high constable; and for contempt of this or any other process emanating from his court, the mayor shall have power to fine the offender in a summary manner, not exceeding twenty dollars.

SEC. 20. The recorder shall keep the corporation seal, and all the papers belonging to the city; it shall be his duty to attend all meetings of the common council, and make a record of their proceedings, and copies of all papers filed in his office; and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal shall be evidence in all courts of the matters and things therein contained, to the same extent as though they were originals; and for all copies and transcripts, the recorder shall be entitled to the same fees as justices of the peace for like services.

SEC. 21. In the absence of the mayor, any one of the aldermen may act in his stead, in the performance of the duties required by virtue of the charter or ordinances; and the alderman who shall first issue process, shall have jurisdiction of the case, and shall be mayor *pro tem.*, and shall so sign himself, and in all other respects shall be invested with the powers and subject to the restrictions of the mayor.

SEC. 22. The books of the common council, the docket of the mayor, the returns of the assessor and treasurer, and all the papers in relation to the assessment and collection of tax and to the expenditures, shall at all times be open to the inspection of the citizens of Logansport.

SEC. 23. Each alderman shall receive for his services as such, a sum not more than ten dollars per annum, if they demand it; and the alderman elected mayor, in addition to said ten dollars, shall be entitled to the fees of a justice of the peace for like services. The fees of treasurer and collector, the fees of high constable, and the fees of supervisors, shall be the same for like services, as are allowed to these officers respectively under the State laws: *Provided*, That

in suits prosecuted before the mayor for a violation of the charter or ordinances, the city of Logansport shall in no case pay costs or attorney's fees. The fees or compensation of all other officers shall be determined by the common council.

SEC. 24. In all suits in which the city is plaintiff before the mayor, a mistake in the title or form of the action shall be no cause of non-suit, neither below nor on appeal to the circuit court; and every such cause of action or complaint which is so stated as to fully and fairly inform the defendants what they are called upon to answer, shall be deemed sufficient.

SEC. 25. The citizens of said city shall not be subject to the assessment by, or payment of, road tax to the county of Cass; nor shall there be any road tax or road districts within the limits of the said corporation, save as herein provided.

SEC. 26. The treasurer and collector shall return all moneys belonging to the city, and keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct. All moneys drawn from the treasury, shall be in pursuance of an order of the common council, by warrant signed by the mayor and countersigned by the recorder. Such warrants shall specify for what purpose the amount therein stated is to be paid, and the recorder shall keep a correct account of all orders drawn on the treasury, in the book provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account in detail of all receipts and expenditures—also the state of the treasury—which exhibit of the treasurer shall be signed and sworn to, and filed in the office of the recorder.

SEC. 27. It shall be the duty of the supervisors to superintend the making of all public improvements ordered by the common council in their respective wards, to make contracts for work and materials which may be necessary for the same, and shall be the exclusive officers to carry into effect the ordinances of the common council as regards the opening, paving and repairing any street, alley, lane, road, highway or wharf within said city, and shall keep accurate accounts of all moneys expended by them in the performance of any work, together with the cause of said expenditure, and to render such account to the council quarterly.

SEC. 28. It shall be the duty of the common council, at least ten days before the annual election held under this act in each year, to cause to be published in the newspapers in said city, a full and correct statement in detail of the receipts and expenditures by the common council for the contingent expenses of the city, and a distinct statement of the whole amount of money assessed, received and expended, for making and repairing streets, lanes, alleys, roads and highways in said city, for the year preceding the date of such publication, together with such information in their power to furnish, as

may be necessary to a full knowledge and understanding of the financial concerns of said city.

SEC. 29. The common council shall have the power to fix the salaries and fees of all officers elected or appointed in pursuance of this act, whose compensation is not fixed by the twenty-third section of this charter, except the compensation to the aldermen, who shall be entitled to receive for their services an amount, not to exceed ten dollars for each year of service as such aldermen, if they demand it: *Provided*, That if any alderman shall, without reasonable excuse, absent himself from any of the stated or special meetings of the board, or shall resign before the expiration of the term for which he was elected, he shall forfeit all right to compensation for the year.

SEC. 30. The common council shall hold stated meetings at such time and place as they, by resolution, may determine upon, and the mayor, or any two aldermen may call special meetings by notice to each of the members of said council, served personally, or served [left] at the [his] usual place of abode. Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, and shall have the power within said city to make, establish, publish, alter, modify, amend and repeal ordinances, regulations and by-laws, for the following purposes:

1. To prevent all obstructions in the waters which are public highways in said city.
2. To prevent and punish forestalling.
3. To restrain and prohibit all descriptions of gaming and fraudulent practices in said city.
4. To prohibit the selling of any spiritous liquors [or] ardent spirits to be drank in the shop, store, grocery, out-house, yard or garden owned by the person selling the same, unless licensed so to do.
5. To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.
6. To regulate and prohibit the exhibition of common showmen, and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans or circuses.
7. To prevent any riot or noise, disturbance or disorderly assemblages.
8. To suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, and ball alleys, and to authorize the destruction and demolition of all instruments for the purpose of gaming.
9. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be

necessary for the health, comfort and convenience of the inhabitants of said city.

10. To direct the location and regulation of all slaughter-houses, markets, and houses for storing powder.

11. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

12. To prevent and punish horse racing, immoderate riding or driving in the streets.

13. To prevent the incumbering of streets, side walks, lanes, and alleys.

14. To regulate and determine the times and places of bathing and swimming in the river and canal in said city.

15. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

16. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats, and geese, and to authorize the distraining and sale of the same for penalty incurred and costs of proceedings.

17. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

18. To prohibit any person from bringing, depositing, or having within the limits of said city, any dead carcasses or other unwholesome substance; and to require the removal or destruction by any person who shall have upon or near his premises any such substance, and on his default to authorize the removal or destruction thereof by some officer of the city.

19. To prohibit the rolling of hoops, playing at ball, flying of kites, or any other amusement.

SEC. 31. For any and all violations of any of the ordinances or police regulations, made and published under the authority of the foregoing or any other section of this charter, the mayor shall have, and he is hereby invested with power to issue summary process to the high constable, or any special officer by him, for the time being, created, and cause the offender or offenders to be brought forthwith before him, to be dealt with according to law.

SEC. 32. The common council shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them to any office or place whatever, subject to the provisions of this act, and may remove all such officers and persons at pleasure.

SEC. 33. The common council may make, publish, ordain, [amend] and repeal all such ordinances, by-laws and police regulations, not contrary to the laws of this State, for the good government and order of said city, and the trade and commerce thereof, as may be necessary to carry into effect the powers given to said council by this act; and enforce observance to all rules, ordinances, by-laws and police regulations, made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five

dollars for any one offence, to be recovered, with costs, in an action of debt in the name of the city of Logansport, in any court having cognizance thereof. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions shall, after the passage thereof, be published one week in the newspapers printed and published in said city—and proof of such publication by the affidavit of the printer or publisher of either of said papers, taken before any officer authorized to administer oaths, and filed with the recorder of said city, or other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law in all courts and places.

SEC. 34. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name of the city, and in such action, it shall be lawful to declare generally in debt for such penalty or forfeiture, and give special matter in evidence. The first process in any such action, shall be by capias or warrant, and execution may be issued immediately on the rendition of judgment, if the defendant in any such action, have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cass county, for a term not exceeding thirty days. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture when collected, shall be paid to the treasurer for the use of said city.

SEC. 35. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Logansport, in any action or proceeding in which the said city is a party or interested.

SEC. 36. The common council shall have power to lay out, make and open streets, alleys, lanes and highways in said city, and to alter, widen and straighten the same whenever such a number of the citizens living in the opening or alteration contemplated to be made, as shall own two-thirds of the whole amount of property to be affected by said opening or alteration as contemplated, shall petition for the same; for the payment of which said opening or alterations, all the citizens owning or interested in the said property so to be affected, shall be taxed in proportion to the number of feet of ground respectively owned by them. The common council shall have power to grade, level, pave or McAdamize and gravel any street, lane, or alley within said city, upon petition as above said, or to cause cross and side walks, drains and sewers to be constructed and made, and all said improvements to be paid for in the manner as above provided for.

SEC. 27. No land required for making, opening or widening any street, alley or lane in said city, shall be taken and appropriated by the common council until the damages thereof, assessed and awarded by the verdict of a jury summoned for that purpose as hereinafter pro-

vided, to any owner of land, under this act shall have been paid or tendered to such owner or his agent or legal representative; or in case such owner cannot be found in said city, the amount thereof shall be deposited with the treasurer of said city, for the use of such owner; and then, in such case, and not before, such land may be taken for the uses aforesaid. The mayor shall issue his venire to the high constable, directing him to summon a jury of twelve lawful men, not residents of the ward or wards in which such alterations are to be made, and the said constable shall give notice of the time and place of the meeting of said jury to the owners of the land to be taken, if in the county, if not, then by publication three weeks successively in some newspaper of the county, at least ten days prior to such inquest; said constable shall swear the jury, return the verdict, sealed, to the recorder, who shall open the same in the presence of the council and record it. The mayor shall thereupon issue scire facias commanding the owner or owners of such property to appear before him and show cause why the said land or lot, or part thereof, should not be taken for the use of the city, on the payment of the value assessed by the jury. Said scire facias shall be directed to the high constable, and may be served by him any where in the county of Cass; and two such writs returned by such officer "not found in the city of Logansport or in the county of Cass," shall be equivalent to a service. When by service, or by said returns of *nihil*, the case is ripe for hearing, the mayor shall docket the case, making the city of Logansport plaintiff, and the owner or owners defendants, and if no good cause be shown to the contrary, the mayor shall enter judgment in the following form, after setting out in brief the date and returns of scire facias, and the appearance or otherwise of the owner or owners; "It is considered by the court that the following parcel of land (describing the same by metes and bounds,) be, and the same is hereby condemned to, and taken for the use of the city of Logansport." Which decision of the mayor, unless appealed from in thirty days, shall be conclusive between the parties. Over the land or lot thus condemned, the city of Logansport shall have the exclusive control, and shall to every intent be the [owner.]

SEC. 38. When any known owner residing in said city, or elsewhere, shall be an infant, and proceedings shall be had under this act, the circuit court, or any judge thereof, at his chambers, may, upon the application of the common council, or such infant, or his nearest friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and all notices and summonses required shall be served on such guardian. It shall be the duty of such guardian to see that the rights of such infant are protected.

SEC. 39. The common council shall have power to authorize the establishment and regulate fire companies in said city, and generally to make and ordain such rules and ordinances for the prevention and

extinguishment of fires as may be necessary to effect this object.

SEC. 40. All persons in the city not being residents thereof, who shall be infected with any infectious or pestilential disease, and all things within the said city, which in the opinion of the mayor shall be infected by, or tainted with pestilential matter, and ought to be removed so as not to endanger the health of said city, shall, by order of said mayor, be removed to some proper place not exceeding three miles beyond the bounds of said city, to be provided by the mayor at the expense of said city, and the mayor may order any furniture or wearing apparel so infected to be destroyed, whenever he may judge it necessary for the health of said city.

SEC. 41. For the purpose of repairing streets, alleys and highways, and to defray the contingent and other expenses of said city, the common council shall have power to impose, levy and collect a poll tax of not less than twenty-five cents, nor more than one dollar on every male resident of said city, of the age of twenty-one years and upwards, and a tax of not more than twenty-five cents on the one hundred dollars, upon all the real and personal estate within the limits of said city, as is hereinafter mentioned; and every person liable to pay poll tax as aforesaid, shall also work on the streets under the direction of the supervisor of the ward in which he resides, two days in each year. The several supervisors of the city when so appointed as aforesaid, shall have all the rights and be subject to all the duties and liabilities that are now, or may hereafter belong to or be imposed upon such officers by the general laws of the State of Indiana.

SEC. 42. The assessor shall, on or before the first Tuesday in June in each and every year, deliver to the recorder the assessment roll, on which the names of all the citizens of said city subject to taxation shall be written; at the end of each name shall be set down in figures, the value of each lot or piece of land, improvements thereon that such person owns in said city, in one column, and in another column in figures, the value of his or her personal estate, designating non-resident lots or pieces of land by proper boundaries, and the value thereof. In valuing all real estate, the worth in ready money or the amount for which it would be received in payment for a bona fide debt, shall be considered the value thereof. In estimating personal property, the said assessor shall take an account of such household furniture as he shall be directed by the common council, which shall be uniform throughout the city, and of uniform value, from which amount he shall deduct one hundred dollars, if it amount to that sum, the remainder only to be taxed: all horses over three years old, brass and wooden clocks in use, gold, silver and composition watches, pleasure carriages and harness, shall be subject to taxation, and such other articles as the common council shall by ordinance direct. Also, all bank stock, or stocks in any incorporated company, who make semi-annual or annual dividends, all bonds, notes, or other evidence of debt drawing interest, shall be subject to

taxation: the said assessor shall, on or before the twentieth day of May in each year, visit every house in the city in person, and ascertain from actual inspection, and the best information he can get, the value of all real estate in the corporation, and obtain from the inhabitants subject to taxation, the amount of their personal estate; if the said assessor shall mistrust or suspect that any person subject to taxation secretes or conceals any of his effects subject to taxation, or any money at interest, or stocks, said assessor shall have the power to administer to him an oath or affirmation, that the statement made by him of his property is true: false swearing in the premises shall be adjudged wilful and corrupt perjury, and punished accordingly. If any person refuses to swear, the said assessor shall put down upon his assessment roll, such amount as he, from the best information he can obtain, shall think to be just and right, and such assessment shall be entered on a book alphabetically, with the value of real and personal estate of all the inhabitants of said city subject to taxation. No property belonging to the United States, or the State of Indiana within said city, or public property belonging to the corporation or religious societies, shall be taxed under this section. In the assessment roll made under this section, all persons who would be liable to work on the highways, if they resided in any of the towns in this State, shall be enumerated on said roll, although not taxed. Said assessment roll or book, when completed, shall, on or before the first Tuesday in June in each year, be filed in the office of the recorder of said city. The common council shall cause an equalization of the tax so ordered as aforesaid to be made on the assessment roll according, to the valuation of the real and personal estate there set down—make a fair copy thereof, and deliver the same to the collector, on or before the first day of October in each year, with a warrant attached thereto, under the corporate seal, directing said collector to collect from each of the persons named in such tax bill, the several sums set opposite their respective names, and if not paid by the first day of November next ensuing, make the same of the goods and chattels, by distress and sale, giving the same notice as is required by law of constables to do, on sale by execution from justices' courts, and to sell the same accordingly. It shall be the duty of said collector to return the said tax list and money collected by him to the common council of said city on or before the first Tuesday in November in each year. It shall be the duty of said collector to call at the residence of each person named in his tax list, at least once before attaching his or her goods and chattels: if no goods can be found whereon to levy, the mayor may renew said warrant at any time after receiving the same with the money if collected.

SEC. 43. To redress grievances arising under the foregoing section, the mayor and any two aldermen of the said city, shall constitute a board of appeals, to hear and determine upon all such grievances as may be brought before them, and take such measures for

the redress of the same as may seem necessary and proper to effect the object: said board shall hold their meetings at such times on or before the first day in July in each year, and at such place as they determine upon, of which meeting they shall give at least ten days' notice in the corporation newspaper of said city.

SEC. 44. All non-resident lands, and all other lands within said city, on which a tax authorized by this act shall remain due six months after the time it ought to have been paid, it shall be the duty of the treasurer to give public notice thereof to the owners, by publishing in the corporation newspaper, for at least six weeks, describing said land as near as practicable, and amount of tax; and stating that unless the owner thereof shall within three months from the time of giving such notice, pay to the treasurer said tax, with the interest and costs of advertising, the same will be leased to the person who will take it for the least number of years, and pay the tax, interest and costs, and for that purpose shall be offered at vendue, of which vendue the treasurer shall give two weeks' notice in the corporation newspaper: on receiving the tax, interest and costs, the said treasurer shall give to the purchaser or lessee, a certificate stating the amount of money paid, and describing the land as nearly as practicable, subject to redemption for two years by the owners paying the purchaser or treasurer the amount paid, together with an interest of twenty per centum per annum, which certificate shall be countersigned by the recorder.

SEC. 45. If the owner or owners of land sold or leased for taxes as aforesaid, shall refuse or neglect to redeem said land for the space of two years, it shall then be lawful for the mayor, and he is hereby required to make out a lease in due form, to the person entitled thereto for the time specified in such certificate, and to his heirs and assigns; which lease shall be signed by said mayor and countersigned by the recorder, with the corporate seal attached, which shall vest the title to said lessee, his heirs and assigns, for the time therein specified, and all buildings that may be put on said premises may be removed off before the termination of said lease.

SEC. 46. The election of mayor, aldermen, recorder and treasurer, on the first Tuesday in April, A. D. 1844, and the acts of the common council in pursuance thereof are hereby legalized, and said common council shall have the power to act as such until their successors under this act are elected and qualified; said common council shall designate the place of holding the first election under this revised charter in each ward, appoint the inspectors, give notice of the time of the election, and in all respects as far as practicable, conform themselves to the provisions of this act, and the present common council and their successors under this revision, shall have power to collect all dues of the said corporation.

SEC. 47. The delinquent tax list, or a copy thereof, may, by ordinance of the common council, be put into the hands of the proper officer at any time after the legal publication of such ordinance,

with a warrant attached thereto, returnable in sixty days, which warrant such officer shall execute in all other respects according to the provisions of this charter for the collection of taxes.

SEC. 48. This act is hereby declared a public act; to be in full force as such from and after its passage. All ordinances made, ordained or published under the charter of which this is a revision, and which have not been repealed by any common council, are hereby declared in full force within the limits of said city.

SEC. 49. No license for a tavern or grocery to vend spiritous liquors by retail, to be kept within the city of Logansport, shall be granted by the board of county commissioners of Cass county, or by the common council of the city of Logansport, unless on petition signed by a majority of the legal voters residing within the limits of said city; and it is hereby made a penal offence, punishable on indictment by fine and imprisonment, for any person not a legal voter and resident within the limits of said city, to sign such petition.

SEC. 50. All laws and parts of laws coming within the purview of this act, are hereby repealed.

CHAPTER III.

An act authorizing a Company to construct a Turnpike Road from Cambridge City to Muncietown.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That [Lot] Bloomfield, William Elliott, Solomon Meredith, Caleb W. Witt, and Jacob Vore of the county of Wayne, William D. Harden, Joseph R. Leakey, John Wilson, Jacob Swafford, Miles Murphy, James Harvey, and Thomas Fleming of the county of Henry, and Lewis Reese, Isaac Brannon, Charles Mansfield, and James L. Russey of the county of Delaware, their associates and successors be and they are hereby constituted a body politic and corporate, under the name of the Cambridge City and Muncietown Turnpike Company, and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things legitimate for such company to do, and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of the association.*

SEC. 2. The capital stock of said company shall consist of seventy-five thousand dollars, which may be increased at any time to any

sum, not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company, and said stock shall be deemed as personal property.

SEC. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company, county, or State, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon; and in such way and manner, and at such times and places, as shall be by the company prescribed.

SEC. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be deemed expedient, they shall meet at such place as may be by them agreed upon, and shall proceed to open books for subscription of the capital stock, and do all other things necessary for the full organization of said company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees or any of them as vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after twenty-five thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two shares; said commissioners shall in all things manage such election, and give proper certificates to the persons elected; who shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election and at each subsequent election, each stockholder shall have one vote on each share up to ten, one vote on every two shares above ten up to thirty, on every three shares above thirty up to sixty, one vote on every four shares above sixty up to one hundred, but no one shall have to exceed one hundred votes, and each stockholder may vote in person or by proxy given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except that the elections shall be annually as nearly as may be convenient.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company; said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer; and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their own body.

SEC. 10. Said company shall have power to view, mark, locate,

and construct a turnpike road from Cambridge City in Wayne county, via Dublin to New Castle in Henry county, and thence to Muncietown in Delaware county, and in constructing said turnpike, said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however,* that before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with the authority to grant the same.

SEC. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents, and operatives, and require them or any of them to give such bonds as may be deemed expedient, to enforce the payment of all stock subscriptions, at such times and places and in such proportions as they may agree upon, under pain of forfeiture of the shares of stock taken by the delinquent and the payment made thereon to the company, or to sue for and recover the amount due in an action of assumpsit, at their option; to issue proper certificates of stock and regulate the mode of transferring the same; to acquire, sell, lease, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the lands and materials for such damages as may be just and reasonable when the same are not voluntarily relinquished; to erect, continue, and keep toll gates; to establish, charge, and collect from all such as may use said road; to make and declare dividends of profits to the holders of the stock, and to do all other proper acts expedient to be done in accordance with the interest and meaning of this act.

SEC. 12. If any person or persons shall wilfully and knowingly injure or obstruct said road or any thing belonging thereto, such person or persons, on conviction thereof before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damages done and costs of suit.

SEC. 13. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall at all times be subject to the inspection of the stockholders, whenever any two of them shall apply at the same time for such inspection.

SEC. 14. The service of legal process on the president or secretary of said company, shall be held in all courts and places of sufficient service on said company; and on the trial of all suits and prosecutions brought by said company, the regularity of all

their proceedings to entitle them to sue or prosecute shall be presumed, but no common law ground of defence, when made to appear, shall by any thing herein contained be construed to have been taken away.

SEC. 15. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use.

SEC. 16. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within three years, and finish the same within fifteen years after the first day of March next, and at any time after fifteen years from the completion of said road, the State may buy up the same from said company at cost.

SEC. 17. This act shall be in force from and after its passage and publication in the "Indiana Courier" and be subject to be repealed by a vote of any future Legislature.

CHAPTER IV.

An Act to incorporate the Michigan Road Company, South of Indianapolis.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Sebastian Hafer, Irvin W. Madison, William P. Stevens, Barton H. Harney, James Freeman, and Samuel Bryan of the county of Decatur, Elias Conwell, Samuel Gookins and John Glass of the county of Ripley, Edward Toner, Robert Hankins and William Cummins of the county of Shelby, and John Johnson, Hiram Bacon and Thomas Johnson of the county of Marion, and their successors in office duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of the President and Directors of the Michigan Road Company, south of Indianapolis, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto, in any and all courts of competent jurisdiction; to make and use a common seal, and the same to change at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into execution and effect the provisions of this act, and the

objects contemplated by the same, not inconsistent with the laws and Constitution of the State.

SEC. 2. The capital stock of said company or corporation, shall be five hundred thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the object herein contemplated.

SEC. 3. The corporation shall have power as a majority of the stockholders of the same may determine, to make a McAdamized, wooden or clay turnpike road, as the amount of stock subscribed may warrant.

SEC. 4. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, any five of said board shall be a quorum to transact business.

SEC. 5. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants proper and necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for payment of such sums of money as may be allowed to their officers and all others in their employ, which journal and proceedings shall, from time to time, be signed by the president: they may sit on their own adjournments, on the call of the president,—when the president is absent, they may appoint a president pro tem.—they shall fill all vacancies that may happen in their body.

SEC. 6. The corporation may cause books to be opened for the subscriptions of the capital stock, at such time and place as they may choose, due notice thereof being given in some public newspaper in this State; and the said company may receive subscriptions of stock in money, real estate, or labor, or in any other way as to them may seem proper and safe, and secured in such way and manner as said company may think proper; in which books the following entry shall be made: "We, the undersigned, promise to pay twenty-five dollars for each share of stock set opposite our names, in such way and manner, and in such proportions, and at such times, as the president and directors of the Michigan Road Company, south of Indianapolis may direct. Witness our hands and seals, this the day of 18 ."

SEC. 7. It shall be lawful for all persons of lawful age, or for the agent of any corporation, to subscribe for any amount of stock in said company, and said corporation may by an agent, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power upon their own credit to borrow money upon such terms as may be agreed on by the parties; the corporation may require such sums of money to be paid at the time of subscribing, or within thirty days thereafter, not exceeding five dollars on each share, as they may

think proper, but the amount required shall be made known at the time of the notice for opening said books, and any future payment on the stock, shall be under the control of the corporation.

SEC. 8. When any real estate shall be subscribed as stock in said corporation, a deed therefor may be made by the person subscribing the same to said company; and said company may dispose of any such real estate for the purposes contemplated by this act, at a price not less than that at which said real estate was rated at the time of subscribing the same.

SEC. 9. As soon as one thousand shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in some newspaper in this State, and in such notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the supervision of one inspector and two judges, appointed by the stockholders present, and the person having the highest number of votes, shall be declared duly elected; and in all elections, each share from one to five, shall entitle the holder to one vote, and every additional five shares, three votes, and for every five shares of over fifty, one vote, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, executor, [trustee,] or guardian, or by the agent of any corporation, or any person having the right to vote by proxy: *Provided*, That no stockholder shall be entitled to more than five votes.

SEC. 10. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their body as president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 11. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the clerk: the stock shall be transferred on the books of the corporation personally, or by agent, or by attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be held by the corporation for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due on contracts made prior to such transfer.

SEC. 12. The corporation shall have power to call for such portions of the stock subscribed not exceeding twenty-five dollars on each share, in any one year, as they may think proper, to be paid at such time and place as they may designate by giving sixty days' notice in some newspaper of this State, or by written notices given to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for,

in any court of competent jurisdiction, and recover the amount due, with ten per cent. damages for the detention of the same; and if the amount cannot be made on execution of said delinquent, or if said delinquent is out of the State, then said corporation may by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount may have been paid thereon, and no such delinquent before the forfeiture of his stock, shall have any right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security, as they may think proper for the faithful discharge of their duty.

SEC. 13. The corporation shall have power by themselves or agents, to survey and locate a turnpike road from the city of Indianapolis to the town of Napoleon in Ripley county, and if thought proper by said company, they shall have the right to locate the same on the same ground on which the Michigan road now runs, and said company shall have the right in surveying said road to diverge from the ground on which the Michigan road now runs, wherever the same may be for the benefit of said company, said road not to be more than one hundred feet wide.

SEC. 14. That for the purpose of making said examination and location, it shall be lawful for the corporation by their agent or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the lands occupied by said road when located and surveyed as aforesaid, any stone, gravel, timber, or other materials necessary to construct said road, and to construct the necessary bridges connected therewith, and should sufficient materials not be obtained on the land so as aforesaid located, then it shall and may be lawful for the corporation to obtain from the owners of land through which said road may run, the necessary stone, gravel, and other materials that may be obtained on the route, and to contract with them for the same; they may also receive by donations, gifts, grants, or bequests, any money, labor or property for the benefit of the corporation, and all such gifts, grants or bequests, made by persons competent to make the same for the benefit of the corporation, shall be binding on any person making the same, and the said corporation shall have their action at law to compel a compliance with the same: *Provided however*, That all such contracts, gifts, grants and bequests be made in writing, and signed by the person making the same.

SEC. 15. That in all cases where any person, through whose land said road may run, shall refuse to relinquish his land or permit the company to occupy the same, or where a contract with the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstances may exist or occur, and such justice, shall thereupon summon the owner of land to appear before him on a particular day, within ten days thereafter, and shall call before him a jury of twelve disinter-

ted men of the neighborhood, or such number as may be agreed on by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the lands and materials; and after having taken into consideration the advantages and disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not, and if any, what amount of damages, and shall file such report with such justice:—Whereupon said justice shall enter judgment thereon unless for good cause shown, or unless the amount of damages should exceed the sum of one hundred dollars; in case the damages exceed the sum aforesaid, then it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace; and in case either party can show good cause, why the justice should grant a review, he shall order the same to be reviewed either with or without costs; either party may appeal to the circuit court of the proper county, as in other cases, and the cause shall there be tried *de novo* and final judgment rendered, and such court shall appoint reviewers who may report at that or the succeeding term, until which report, judgment shall not be rendered.

SEC. 16. In all cases where the owner is a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck up of the time and place of appointing reviewers; and if no person appears, he may adjourn the trial for two weeks, at the end of which time, he shall appoint a guardian *ad litem* or committee to act for such minor or insane person, as the case may require, to act for the minor or insane person, in the suit aforesaid, but such appointment need not be made if the guardian at law or committee of the estate of such person appear to defend, and he shall then proceed as in other cases, and on judgment rendered and the corporation complying therewith by payment of costs and damages, or both against them, the corporation shall be seized of the lands and materials; costs shall be awarded or allowed against either party, at the discretion of the jury.

SEC. 17. If it shall be found necessary for the construction and location of said road, the corporation shall respectively have the right to lay the same along or upon any county or State road: *Provided however*, Before such location shall be made, the corporation shall apply to the board of county commissioners of the proper county for such right, and the said board is hereby required, if they deem it to be for the public good, to grant such right, and shall enter the same on the records of the proper county.

SEC. 18. That when the said corporation shall have obtained the right of way, as herein provided for, they shall have the sole use and occupancy of the land over which the same is located.

SEC. 19. The corporation shall commence the said road within

three years, and complete the same within twenty years from its commencement: *Provided however*, If ten miles of said road, shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of the road so completed.

SEC. 20. The corporation shall cause said road to be opened, not exceeding one hundred feet, at least twenty of which shall be thrown up into a curve, in such a manner as to secure a firm, substantial and even road, and shall constantly be kept in repair, and in no case shall the ascent of the road be greater than five degrees.

SEC. 21. That whenever said road or any particular section thereof shall have been located, it shall be the duty of said corporation to cause a plat thereof to be filed in the office of the Secretary of State, and after that time it shall not be lawful for the corporation to alter or change said road, unless by contract with the proprietor of the lands over which such proposed change is to be made.

SEC. 22. That if said road after its completion or any section thereof shall be suffered to go into decay, so as to be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 23. So soon as the corporation shall have completed said road, or any section of five miles thereof, an agent shall be appointed by the Governor, who shall examine said road or section, and report whether the same be finished according to the provisions of this act, which report shall be entered on the journals of the corporation; and if the same be favorable, showing the completion of said road or any section thereof, of five miles in length according to the provisions of this act, the said corporation shall be at liberty to erect toll gates not less than five miles apart (except in the immediate vicinity of towns) and demand and receive of persons travelling said road, such tolls as are hereinafter directed.

SEC. 24. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: for every four wheel carriage, wagon or other vehicle drawn by one horse or other animal, not exceeding eighteen and three fourth cents; for every horse, or other animal in addition, six and one fourth cents; for every cart, chaise or other two wheel carriage drawn by one horse, twelve and one half cents; for every horse or other animal in addition, six and one quarter cents; for every sled or sleigh drawn by one horse or other animal, six and one quarter cents; for every horse or other animal in addition, six and one quarter cents; for every coach, chariot or other four wheel pleasure carriage, drawn by one horse or other animal, not exceeding eighteen and three fourth cents; for every horse or other animal in addition, six and one quarter cents; for every horse and rider, six and one quarter cents; for every horse, mule or ass six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle six months old and upwards, not ex-

ceeding two cents, and each hog or sheep one cent: *Provided*, That all persons going to, or returning from public worship, and all funeral processions shall pass free of toll.

SEC. 25. If any person or persons, using any of said road shall with intent or view to defraud said company, pass through any private gate or bars, or along any other ground near the said road, or shall practise any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall, for every such offence forfeit and pay to such company the sum of five dollars, without any stay of execution, to be recovered by an action of debt at the suit of the corporation, before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed, as to prevent any person residing on said road, from passing thereon about their premises between the gates for common and ordinary business.

SEC. 26. If said corporation shall fail for thirty days in succession to keep in repair said road, and complaint thereof be made to any justice of the peace of the county, it shall be his duty forthwith to summon three disinterested freeholders to examine the same; and he shall give notice to the nearest toll gatherer of the time when said freeholders will proceed to examine that part of the road complained of; and the said freeholders, after having taken an oath or affirmation, to act impartially, shall proceed in the examination, and if they shall find the same out of repair, they shall certify the same to said justice, whose duty it shall be forthwith to transmit a copy of such certificate to the nearest toll gatherer on such road, and from the time of receiving the same, it shall not be lawful to receive any toll on the section of the road for ten miles where such road is out of repair, until the same has been in full and complete repair, under the penalty of five dollars to be recovered of said corporation by action of debt, at the suit of the party aggrieved and for his benefit.

SEC. 27. The company shall put up a post or stone at the end of every mile with the number of miles fairly cut or painted on the same, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction as may be necessary. If any toll gatherer on said road shall unnecessarily detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall, for every such offence, be fined in any sum not more than one hundred dollars, before any court of competent jurisdiction: and the State shall have the right to purchase the stock of said company at any time after fifty years, by paying said corporation a sum of money, which together with the tolls received, shall equal the costs and expense of said road as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall be always open for inspection of any agent of State, appointed for that purpose by the legislature, and if said corporation shall neglect or refuse to exhibit at any time, their

books and accounts agreeably to this section, when thereunto required, then all their rights and privileges granted by this act, shall cease and be ended.

SEC. 28. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favorably construed for all beneficent purposes.

The General Assembly reserves the right to alter or amend this charter at pleasure.

CHAPTER V.

An Act to incorporate the Terre Haute Drawbridge Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of erecting and maintaining a bridge over the Wabash river at Terre Haute, in Vigo county, Indiana, Thompson Hall, Joseph S. Wallace, and Albert Lange, and their associates, be and they are hereby constituted a body politic and corporate, by the name and style of the Terre Haute Drawbridge Company, and by and in such corporate name and capacity, may sue and be sued, plead and be impleaded in any court of competent jurisdiction.

SEC. 2. All suits against said corporation for debts, liabilities, and damages shall be brought, if within the jurisdiction of a justice of the peace, before such justice in the township of Harrison in said county, and if exceeding the jurisdiction of a justice of the peace, before the circuit court of the county of Vigo; and in each case such process shall be commenced by summons, and shall be served on the president or one of the directors of said company, or by leaving a copy thereof with the keeper of the toll house, which shall be good service; and the further proceedings shall be the same as against natural persons.

SEC. 3. The corporation shall be capable of purchasing, holding, using, and conveying any estate, real or personal, necessary for the use of the company, to the amount of any sum not exceeding twenty-five thousand dollars.

SEC. 4. The corporation may erect and maintain a bridge across the Wabash river at any point within five hundred yards of the National road, on the south side thereof or down stream.

SEC. 5. Said corporation may have and use the writ of *ad quod damnum*, for the purpose of having condemned a sufficient

quantity of ground for the erection of abutments, toll-house, and all necessary roads to the same.

SEC. 6. The aforesaid corporation may determine on a plan and estimates for the bridge, and fix on its location; also open books and receive subscriptions for stock, until a sufficient amount shall be subscribed to warrant the undertaking, and then shall give notice to the stockholders of the time and place for electing five directors, one as president, one as secretary, and one as treasurer, for the management of the corporation concerns: such shall be published in one or more of the papers in Terre Haute, at least ten days before such meeting.

SEC. 7. The officers so elected shall immediately provide a code of by-laws for the government of the corporation and management of its prudential concerns, and present the same to the company for their adoption, which by-laws, if not repugnant to the laws of the State, and when approved by a majority of the voters, shall become law, and be binding on all parties concerned, till altered or amended by a majority vote of any annual meeting thereafter.

SEC. 8. The president and directors shall fill all vacancies that may occur in their body; they may sit on their own adjournment or on a call of the president, and, when the president is absent the directors may appoint a president *pro tem*.

SEC. 9. At all elections for directors, each stockholder shall be entitled to vote in person or by proxy, in the manner prescribed in the by-laws, and according to the following scale: For each share not exceeding ten, one vote; for every two shares above ten and not exceeding twenty, one vote; and for every four shares over twenty, one vote.

SEC. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and secretary; the stock shall be transferable on the books of the corporation only; but such stock shall at all times be held by the corporation for any delinquency in the payment of any assessment.

SEC. 11. The bridge shall not be less than twenty-four feet in width, with railing not less than four feet high, and of sufficient height from the water for all water craft, except steamboats, to pass at all times; and for steamboats a convenient draw shall be constructed, and in the season of their navigation a light shall be placed at night on each side of the passage. And in case of any unnecessary delay or damage through neglect, in allowing steamboats to pass, the said corporation shall be liable to a fine of not less than ten nor more than one hundred dollars, to be recovered in any court of competent jurisdiction, for the benefit of the owners of the boat so detained.

SEC. 12. If any toll-gatherer shall unnecessarily hinder or delay any passenger at the gate, or shall demand and receive more than legal toll, the said corporation shall forfeit for every such offence the

sum of five dollars for the use and benefit of such person or persons as have been thus defrauded or detained.

SEC. 13. If any person shall wilfully impair or injure the bridge, such person so offending, shall forfeit and pay to the corporation treble the costs of repair, with damages and costs of suit, to be recovered before any court of competent jurisdiction.

SEC. 14. If any person shall forcibly pass the bridge without paying toll, such person so offending shall forfeit and pay to the corporation a penalty of three dollars, with costs of suit, to be recovered before any justice of the peace.

SEC. 15. In all actions brought to recover any penalty or forfeiture incurred under this charter, or the by-laws made in pursuance of this act, it shall be lawful to declare in debt generally, for such penalty or forfeiture, stating the section of this act or the by-law, under which the penalty or forfeiture is claimed, and to give the special matter in evidence; and the defendant in like manner may plead the general issue to such action, and give all matters of defence in evidence under that issue.

SEC. 16. The first process in any action brought by the corporation for the recovery of any penalty or forfeiture, shall be a capias or a warrant, and execution may be issued immediately on the rendition of judgment; and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of said corporation.

SEC. 17. When the bridge shall be completed, the corporation may erect gates and demand and receive the following rates of toll, to-wit:

For a four horse or ox team and wagon, sled or cart, -	25 cents.
For a two horse or ox team and wagon, sled or cart, -	15 "
For a single horse and wagon, buggy, or sleigh, - - -	12½ "
For a single horse and cart, dray, or sled, - - - -	10 "
And for every additional horse or ox attached, - - -	3 "
For each man and horse, - - - - -	6¼ "
For every person on foot, - - - - -	3 "
For horses, cattle, asses and mules, led or driven, per head, -	2 "
For hogs, sheep, and calves, led or driven, per head, - -	1 cent.
For all pleasure carriages and stage coaches, drawn by four horses, - - - - -	37½ "
For all pleasure carriages, drawn by two horses, - - -	25 "
And in similar proportion for all other kinds of conveyances.	

These rates of toll shall be painted on a board, which shall be set up before the toll-house, or some other conspicuous place on the bridge.

SEC. 18. If said bridge shall not be constructed within three years from the passage of this act, then, and in that case, this act to be void and of none effect; otherwise to be in full force and virtue for the term of twenty-five years.

SEC. 19. The several stockholders and their private property shall be liable for the debts of the corporation, in proportion to the number of shares of stock held by them.

SEC. 20. This act to take effect and be in force from and after its passage.

SEC. 21. *And be it further enacted*, That it shall be the duty of the attorney prosecuting the pleas of the State for said county of Vigo, to sue out a *scire facias* from the Vigo circuit court, against the corporation, by this act created, for any fraudulent violation of the provisions of this act, or assumptions of powers and privileges not warranted hereby; upon which, said court on proof of the allegations of said writ, shall declare a forfeiture of this charter.

CHAPTER VI.

An Act to incorporate the Michigan Road Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Philip Pollard, Benjamin Spader, Cyrus Taber, and Cyrus Vigus of Cass county, James Purdome, Stephen Syms, and William Winecup of the county of Clinton, William Stockton, Thomas M. Cune, and Mahlon Shinn of Carroll county, Jacob Tipton, Green Larimore, and Jacob Jones of Boone county, James Blake, Nathan B. Palmer, John Sutherland, and Simeon Head of Marion county, and their associates and successors in office, be and they are hereby constituted and made a body politic and corporate, for the purpose of constructing a turnpike road between Logansport and Indianapolis, and shall be and remain such forever, under the name of the Michigan Road Company, and by that name said company may contract and be contracted with, sue and be sued, prosecute and be prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do and perform all other acts necessary to carry out the powers hereinafter delegated to said company.

SEC. 2. The corporation shall cause books to be opened for subscription to the capital stock, at such times and places as they may choose; due notice of which shall be given in some public newspaper in this State; in each of which books the following entry shall be made: "We the undersigned promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as the president and directors of the Michigan Road Company may direct. Witness our hands this day of ."

SEC. 3. As soon as four hundred shares are subscribed for, and two dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in some newspaper in this State, and in such notice, appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected; in all elections, each share from one to five, shall entitle the holder to one vote, and every additional five shares one vote only; to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, trustee or guardian, or by the agent of any corporation, or any person having a right to vote may vote by proxy; the capital stock of said company shall consist of three hundred thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be necessary either for the construction of said road and appendages necessary thereto; said stock shall be divided into shares of twenty-five dollars each, and may be taken by individuals, companies, corporations, counties, or States, to be paid for in such way and manner, and at such times and places as shall by said company be prescribed.

SEC. 4. That the directors, which shall be chosen at such first election, and at each annual election thereafter, shall, before entering on the duties of their office, take an oath or affirmation faithfully and diligently to perform the duties of the same to the best of their abilities, and shall also at their first meeting choose one of their number to be president, who shall preside until the next annual election thereafter, and until another president shall be chosen. In case of the death, resignation, or removal from the State of the president, or the death, resignation, or abandonment of the duties of his office of any director, such vacancy may be filled for the remainder of the term by the board of directors. They shall also appoint a secretary and treasurer, determine their salaries, prescribe their duties, and require such security from the latter as they may deem expedient. A majority of the directors shall constitute a board for every purpose within the provisions of this act. Every election of directors after the first, shall be held on the first Monday of January in each and every year; and they shall hold their offices for one year, and until their successors are chosen and qualified. Every such election shall be held under the inspection of three or more stockholders in said company not being directors, to be previously appointed by the board of directors for that purpose. Any stockholder not personally present may vote by proxy, such proxy being granted in writing directly to the person representing him at such election.

SEC. 5. All elections after the first, shall be holden on the first Monday in January, annually, under the direction of the stockhold-

ers present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 6. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk. The stock shall be transferred on the books of the corporation only, or by the agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 7. Stock may be subscribed in this company in labor, materials or services, to be paid on such terms and conditions as may be agreed upon with the board of directors. Any person subscribing stock in this company in real estate, shall state in writing his residence, the description and quantity of land by him subscribed, the county in which it is situated, together with an abstract of his title, which shall be signed by such person; but no real estate shall be put in as stock, which does not lie in this State.

SEC. 8. As soon as the board of directors are completely organized and empowered to transact business for this company, they shall give notice to the subscribers of stock mentioned in the last section, who shall, within thirty days thereafter, deposit their title papers for the real estate thus subscribed, in the recorder's office of the county in which such subscription was made, and take from the recorder two receipts therefor, one of which they may retain, and the other shall be, within said thirty days, delivered to the said board of directors.

SEC. 9. The board of directors shall cause an accurate list to be made out of all lands which they find to have been subscribed as aforesaid, and forward a copy of the same to the Treasurer of State.

SEC. 10. The Governor, as soon as required by the board of directors, shall appoint three suitable persons, not stockholders of this company, nor interested directly or indirectly in said work, to appraise the real estate thus subscribed, who shall respectively take an oath before some competent officer, to discharge their duties faithfully, impartially, and to the best of their judgment and ability, a copy of which oath, certified by the officer administering the same, shall be transmitted to the Governor, whose duty it shall be to give immediate notice thereof to said board of directors, who shall be paid a reasonable compensation for their services by said company. Said board of directors, as soon as notified that said appraisers are prepared to enter upon their duties, shall deliver over to them a list of said lands, together with the abstract of title furnished by said subscriber to the commissioners aforesaid.

SEC. 11. Said appraisers shall record in two several books, to be

kept by them for that purpose, the authority by which they act, and the oath they have taken, as endorsed thereon by the officer administering the same; they shall examine the titles of said subscribers, and if satisfied with the validity and correctness of the same, shall appraise said lands at their fair cash value at the time, and shall enter in the books aforesaid, the description and quantity thereof, the amount per acre at which it is valued, the name of the owner, the place of his residence, and when the whole is completed, the same shall be signed by said appraisers, and deposited, one copy with said board of directors, and the other with the Treasurer of State.

SEC. 12. As soon as said appraisement is completed and filed with the board of directors, as required in the preceding section, the secretary of the board shall give written notice to each of said subscribers, of the value at which his land thus subscribed is appraised.

SEC. 13. Each of said subscribers shall, within twenty days after receiving such notice, severally convey all his title, interest, claim and demand in such land subscribed by him, by a good and sufficient deed in fee simple, to the president and directors aforesaid, for the use of said company, to be disposed of in the manner, and for the purposes specified in this act.

SEC. 14. If any of such subscribers shall fail to convey as aforesaid, or otherwise to satisfy the board of directors in this behalf, such subscriber shall be bound to pay his share of the expenses in and about appraising said land, to which said company may have been put, and when the same is truly made out, and presented to him by the treasurer, if he shall fail or refuse to pay the amount on demand, the same shall be recovered by this company in an action of assumpsit, together with ten per cent. damages thereon.

SEC. 15. As soon as any subscriber shall have executed a conveyance to this company as above required, the title papers deposited with the recorder of the proper county shall be delivered over to the board of directors. If any subscriber shall fail to convey, as herein required, the fact shall be certified by the secretary of the board, to the proper recorder, as soon as such subscriber shall have paid the costs and expenses required to be paid by him in the preceding section, and the said recorder shall then return to such subscriber his title papers aforesaid. For the certificates required to be given by said recorder, to persons who have subscribed real estate stock, and deposited the requisite deeds with said recorder, he shall be entitled to receive from such persons, ten cents for each tract of land specified in said certificates; and it shall be the duty of said recorder to keep and preserve said deeds and title papers, to be disposed of as herein required.

SEC. 16. At any time said board of directors may compound, arrange, or settle such real estate subscription with the person subscribing the same, in such manner, in whole or in part, as said board of directors may judge most beneficial to the interests of the company.

SEC. 17. As soon as the board of directors shall have obtained the requisite conveyances of the land thus conveyed as stock, they shall make out a correct list thereof, verified by the secretary of the board, and cause the same to be filed in the office of the Treasurer of State, and shall also procure and keep in their office, proper lists, maps, and descriptions of said tracts of lands, for the inspection of all persons wishing to examine the same.

SEC. 18. The land thus subscribed and conveyed, shall be subject to taxation as the property of the company, as other lands; but the stock based thereon shall not be subject to taxation until the land is conveyed away by the company, and until it is thus conveyed, the person owning such stock, shall pay on demand to the company, the amount of tax assessed on such land against said company; and on failure to pay the same, it may be recovered by the company as other dues are recoverable, by an action of assumpsit, in any court of competent jurisdiction.

SEC. 19. The board of directors shall cause such books of entries and registers to be kept, as shall be necessary for the correct transaction of the business of the company, on which it shall be particularly their duty to cause to be noted, all transactions respecting the operations of the company in the prosecution of the work under its control: that the president and directors of said board shall be authorized to sell any lands belonging to said company, at any price not less than the appraised value thereof, and convey the same by deed in fee simple, signed and sealed by the president, and attested by the secretary.

SEC. 20. As soon as the requisite conveyances shall be perfected of the real estate stock to said company, the board of directors shall issue certificates of stock to the amount of the appraised value thereof to the subscribers of such stock, as in other cases.

SEC. 21. The stock of the stockholders of said company, shall be considered personal property, and may be sold on execution issued against the stockholders as other personal property, and transferred on the books of the company by the officer selling the same, in the same manner that the same could be transferred by the owner thereof; and when such transfer shall have been legally made, if the execution defendant shall refuse to transfer and deliver the certificate of said stock to such purchaser, it shall be the duty of the board of directors to make and deliver to such purchaser a new certificate thereof.

SEC. 22. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty per cent. every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper in this State, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after

the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount, with two per cent. interest thereon per month; and if the amount cannot be made on execution, or if such delinquent be out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation be fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security, as they may think proper, for the faithful performance of their respective duties.

SEC. 23. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber, and other materials that may be obtained on said routes, and may contract for stone, gravel, timber, and other materials, that may be obtained from any lands near thereto, to receive by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation, and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, grants, gifts, &c., shall be made in writing by the party making the same.

SEC. 24. The corporation shall commence the construction of said road within two years, and complete the same within ten years from the commencement: *Provided however*, That if ten miles of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of said road so completed.

SEC. 25. The corporation shall cause said road to be opened, not exceeding one hundred feet wide, at least twenty feet of which shall be an artificial road, composed of stone, gravel, or other suitable materials, well compacted together in such manner as to secure a firm and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be greater than an elevation of five degrees. If said road, after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 26. So soon as the said corporation shall have completed the said road as aforesaid, or any five continuous miles thereof,

agreeably to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling said road the tolls: the following shall be the rate of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: For every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two wheel carriage or other vehicle, drawn by one horse or other animal, not exceeding ten cents; for every sled or sleigh drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four wheel pleasure carriage, drawn by one horse, not exceeding eighteen and three quarter cents; for every additional horse or other animal, six and a quarter cents; for every horse and rider, not exceeding five cents; for every horse, mule or ass, six months old or upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent; each hog or sheep, a half a cent each: *Provided*, That all persons going to or returning from public worship on the Sabbath, and militia men going to and returning from musters, and all funeral processions, shall pass said road free of toll.

SEC. 27. If any person using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate which shall be enclosed pursuant to this act, or shall practise any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practice shall, for such offence, forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered, with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises, for common and ordinary business.

SEC. 28. The company shall put a post or stone at the end of each mile, with the number of miles from either extremity fairly cut or painted thereon; [and also in a conspicuous place near each gate, shall be placed a board, with the rates of toll painted thereon,] and such other matter in relation to the direction as may be necessary. Any person wilfully destroying, defacing, or removing any guide-board, mile-post or stone, or list of rates of toll erected on said road, shall, on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered, with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 29. If any toll-gatherer on the road shall unreasonably de-

tain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered [with costs of suit,] before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action shall be brought against any person or persons for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days from the time of incurring the same; and the defendant or defendants in such action may plead the general issue, and give this act in evidence, with any other special matter. The corporation shall cause to be kept, a fair account of the whole expense of making and repairing said road, with all incidental expenses; and also a fair account of all the tolls received; and the State shall have the right to purchase the stock of said company at any time after twenty years, on paying said corporation a sum of money which, together with the tolls received, shall equal the cost and expense of said turnpike-road as aforesaid, with an interest of ten per cent. per annum; and the books of the corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature.

SEC. 30. The said corporation shall be, and they are hereby authorized and empowered to demand and receive the same toll, and proceed in the same manner to collect the same from the driver, owner, or owners of any stage, carriage, or sleigh in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the driver of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents, to stop or detain any person, carriage, sleigh, or horse whilst actually employed in the conveyance of said mail.

SEC. 31. The Michigan road with all the rights, bridges, way, land and appurtenances appertaining to the Michigan road are hereby surrendered to said Michigan Road Company, to have and to hold to them and their successors.

SEC. 32. It shall be lawful for the county commissioners of the counties of Cass, Carroll, Clinton and Marion, for and in behalf of each county aforesaid, to authorize by an order, as much of the stock to be taken, as they may think proper.

SEC. 33. That said company shall have power, from time to time, to make and ordain all needful by-laws, rules and regulations, touching their business; and the penalties provided by said by-laws, rules and regulations, may be sued for and recovered by said company, to their own use and benefit, before any court of competent jurisdiction; which penalties shall in no case exceed the sum of ten dollars; and said company shall cause said by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed

in some conspicuous situation at each toll-house; and if any person or persons shall wilfully mar, deface or pull down, any copy so set up, said company may sue for and recover to their own use, a sum not exceeding ten dollars nor less than five dollars, of such person or persons; and on the trial of all suits and prosecutions, brought by said company for any cause whatever, the regularity of all their proceedings, to entitle them to sue or prosecute, shall be presumed, but no common law ground of defence, when made to appear, shall by any thing herein contained be construed to have been taken away.

SEC. 34. The persons named in the first section of this act, or any nine of them, shall be commissioners, whose duty it shall be, as soon as may be convenient or expedient, after the passage of this act, to meet at Logansport, in said county of Cass, and designate some suitable places for opening the books, and cause the same to be duly opened for subscription of the capital stock of said company. Thirty days' notice at least shall be given by said commissioners, of the times and places of opening said books, by publication in such newspapers as may be deemed expedient, either in or out of the State. The books of subscription shall be kept open as long as said commissioners may deem expedient, and one dollar on each share subscribed, shall be paid to the commissioners before the election of the first board of directors. Should there be a surplus of stock subscribed, said commissioners are empowered to make the necessary reductions, except that no subscription shall be reduced to less than ten shares.

SEC. 35. That in case it should at any time happen that the election of directors shall not be made on any day when pursuant to this act it ought to be made, the said company shall not, for that cause, be deemed to be dissolved, but such election shall be held at any other time directed by the by-laws of said company. And all the regular official doings of said president and directors, not inconsistent with this charter, and the rules and by-laws established under the same, shall in all cases be deemed the doings of the company, and forever be held valid as such; and the signature of the president, attested by the secretary of the company, shall in all cases be deemed and taken as full evidence and authentication of said doings, except in such cases as by the rules of the company, may be required to be authenticated by their seal.

SEC. 36. The president and directors of said company, or any agent of theirs, thereunto by them lawfully authorized, shall have full power to negotiate any loan or loans that may be by said company deemed expedient, for carrying out any or all of the objects contemplated by this act; and for the payment of such loans, agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which bonds, when signed by the president and attested by the secretary of the company, and by the company duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, in the order of their issue, and all the effects

of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal agreeably to contract.

SEC. 37. The stock of said company shall be personal property, and shall be transferable, according to the rules and by-laws of the company, and such certificates of stock taken, and receipts for instalments paid, shall be given, as to the company may seem most expedient, and said company shall, on the first Mondays in July and January in each year, after the completion of said road, declare and make such dividends, as they may deem proper, of the net profits arising from the resources of said company, deducting such sums as may be deemed expedient, because of outstanding debts, and the necessary current and contingent expenses, as they shall divide the same, amongst the stockholders of said company, in proportion to their respective shares. That said company shall be entitled to the benefit of all laws, should they desire it, which are or shall be in force, for the collection of tolls, or for the protection of [any roads constructed by this State, so far as such laws shall be necessary to ensure the collection of tolls, or for the protection of] the road and other property, which the company may lawfully hold, within the limits of this State, in order more fully to carry into effect the provisions of this act; and in any suit instituted against said company, the service of legal process on the president or on the treasurer, or secretary of said company, shall be held in all courts and places, a sufficient service on said company.

SEC. 38. This act shall be in force from and after its passage, and the charter hereby created, may at any time be repealed, by any subsequent legislature, a majority of both houses concurring therein.

CHAPTER VII.

An Act to provide for a uniform mode of doing township business in Clay county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana.* That the several townships in said county that now are or may hereafter be legally organized, are hereby declared bodies corporate and politic, and by the names of their corporations, may sue and be sued, plead and be impleaded, answer and be answered unto in any and all courts having competent jurisdiction.

SEC. 2. The qualified electors in each township are hereby authorized and required to meet at the usual place of holding elections in

their respective townships, on the first Monday in April, annually, and proceed to elect three township trustees, a township clerk and treasurer, two fence viewers, and as many constables as there are justices of the peace in each township, and as many supervisors of roads as there are road districts in the township.

SEC. 3. The officers elected agreeably to the provisions of this act, shall severally hold their offices for the term of one year, and until their successors are chosen and qualified: *Provided, however,* that none of the officers so elected as aforesaid, shall be compelled to hold their offices for a longer period than three months after the expiration of one year from the time they were sworn into office.

SEC. 4. Any householder refusing to accept the appointment of trustee, or other officer elected as aforesaid, or to take the oath required by the [provisions of] this act, shall forfeit and pay the sum of two dollars and fifty cents, to be recovered in an action of debt before any justice of the peace of the proper township.

SEC. 5. All elections held agreeably to the provisions of this act, shall be conducted in the same manner as is now provided for conducting county or township elections; and at the first election held under the provisions of this act, it shall be the duty of the clerks of said election to make out certificates of election, and cause the same to be signed by the inspector and judges, and attested by said clerks, and deliver the same to some constable of said township, who shall within ten days thereafter deliver the same to the persons elected as aforesaid, and the person elected clerk as aforesaid, shall within five days after notice as aforesaid, appear before some person duly authorized to administer oaths, and take an oath or affirmation faithfully and impartially to discharge the duties of township clerk according to law; and the several other officers elected as aforesaid, shall within twenty days after receiving notice of their election, appear before the township clerk or some other person duly authorized to administer oaths, and take each an oath or affirmation faithfully and impartially to discharge the several duties assigned according to the provisions of this act.

SEC. 6. The township treasurer, township clerk, and constables, shall before entering on their duties, severally give bond with security, to be approved of by the trustees, in a sum not less than three hundred nor more than five hundred dollars, conditioned for the faithful discharge of the duties enjoined on them by this act, which bonds shall be made payable to the township treasurer and his successor in office.

SEC. 7. The township trustees shall meet at the usual place of holding elections, or as near thereto as may be convenient, on the second Mondays in March, June, September, and November, annually, to transact the business of the township, and shall have power to divide their townships into a suitable number of road districts by range, county, township, section or half section lines, and to alter the same as the public good may require.

SEC. 8. The said trustees shall have power to establish the places of holding elections in their respective townships, and again to change the same as to them may seem best.

SEC. 9. It shall be the duty of said trustees to superintend, take charge of, and attend to all the pecuniary concerns of their townships, they shall have a general superintendence of all roads and highways in their several townships, and they shall have power to grant cart-ways or other township roads, or to change the same as hereinafter provided.

SEC. 10. It shall be the duty of said trustees at their June term, annually, to appoint one of their number president, who shall serve as such for the term of one year, and whose duty it shall be to propound all questions to said board, and in cases of a tie to give the casting vote.

SEC. 11. The president of the board of trustees aforesaid, shall serve as inspector, the other two trustees as judges, and the clerk and treasurer as clerks of all elections held in their respective townships.

SEC. 12. It shall be the duty of the trustees to fill all the vacancies that may be occasioned by the death, removal or failure to qualify of any of the officers named in this act, and the persons so appointed shall give the same bond and take the same oath as required in other cases.

SEC. 13. That when any person or persons wishing to establish cart ways or township roads, or to change any cart way, township, or county road, in any of the townships in said county, such person or persons, before any road can be thus established or changed, shall give notice of such application, at least twenty days preceding such application, to the board of trustees, by setting up advertisements in three of the most public places (one of which shall be at the usual place of holding elections,) in the township in which such road is proposed to be located or changed, and shall also present to said board of trustees a petition, signed by at least twelve householders, of the neighborhood through which the same may run, setting forth their reasons for such location or change: *Provided however*, That such trustees shall have no power to locate or change any road, when any part of such location or change is desired to extend beyond the limits of their respective townships.

SEC. 14. On receiving the petition, the board shall, if they deem it expedient, appoint three disinterested persons, resident householders, to examine the route thus proposed, who shall take an oath faithfully to discharge their duties, and make report to the board, and upon receiving such report the trustees shall, if they conceive that the public good require it, establish the same and make a record of the proceedings, in the book in which the records of the township are kept, and the road when so located or changed shall be deemed a public highway, and shall be opened and kept in repair as other roads in the township.

SEC. 15. It shall be the duty of the township clerk to give notice of all township elections, held under the provisions of this act, by setting up advertisements at three of the most public places in the township, at least ten days previous thereto; he shall provide poll-books and tally papers, and the necessary blank certificates, according to the forms furnished by the auditor.

SEC. 16. The clerk shall attend all meetings of the trustees, and keep a fair and correct record of their proceedings in a book to be provided for that purpose, he shall record all roads and cart ways established by the trustees, and also all changes of roads which shall be made by said trustees.

SEC. 17. The clerk shall carefully preserve all books and papers belonging to the township, and shall deliver the same to his successor, and for keeping the township records he shall be exempt from working on roads and paying road tax, if the trustees shall be of opinion that his services require such exemption.

SEC. 18. It shall be the duty of the treasurer to receive all moneys belonging to the township, and pay the same over on the order of the trustees attested by their clerk, he shall produce his books and vouchers, and settle with the trustees at their meeting in March, and account for all moneys which may have come into his hands by virtue of his office; and it is hereby made the duty of said treasurer to prosecute on the township collector's bond, for failing to collect and pay over any moneys required of them by this act, he shall deliver all moneys, books, and papers to his successor, and as a compensation for his services, be exempt from working roads and paying road tax, if the board of trustees shall be of opinion that his services require it.

SEC. 19. The trustees shall be exempt from working roads and paying a road tax during their continuance in office: *Provided, however*, that said trustees, if they deem the foregoing exemptions insufficient to compensate said officers [for their services,] they may assess on objects of county revenue, and direct the collection of such taxes as may be necessary to defray the expenses of their townships, and in that case they shall appoint one of the constables township collector, who shall give additional bond to the treasurer in such sum as the trustees may require: *Provided, however*, that in no case shall said assessment exceed five cents on [each one hundred dollars valuation, and five cents] on each taxable poll.

SEC. 20. The trustees shall make such allowance to the clerk, treasurer, and other officers of the township as shall seem to them just and reasonable, to be paid out of the township treasury.

SEC. 21. It shall be the duty of the auditor of said county to furnish each township with suitable books and forms to carry into effect the provisions of this act, to be paid for out of the county treasury; and in case any township should fail to organize according to the provisions of this act, it shall be the duty of said auditor to appoint three suitable trustees, who shall in all respects be governed

by the provisions of this act, the same as if they had been regularly elected.

SEC. 22. It shall be the duty of the several supervisors to report to the board of trustees in their respective townships, at their annual meeting in June, which report shall be all the report required of said supervisors.

SEC. 23. The township clerks shall immediately after the June term of said board of trustees, report to the county auditor the amount of road tax worked out in the township, according to the reports of the different supervisors, and shall (so soon as the amount can be ascertained,) give the treasurer of his township an order to the county auditor for the amount of road tax collected by the county treasurer for his township, to be drawn by said township treasurers, and applied by the township trustees to building bridges and purchasing tools to work the public roads and highways in said township.

SEC. 24. It shall be the duty of said county auditor to open an account current with each township treasurer in said county, as is now provided by law with the different supervisors; and that all laws requiring said auditor to keep accounts with said supervisors, be and the same are hereby repealed.

SEC. 25. That it shall be the duty of the several township clerks to keep a record of marks and brands, according to the provisions of an act requiring such duties of the county recorder, and receive the same fees therefor.

SEC. 26. That all laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER VIII.

An Act to incorporate the town of Bloomington, in the county of Monroe.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That such part of the township of Bloomington, in the county of Monroe, as is included within the following limits and boundaries, that is to say, beginning at the north-east corner of out-lot No. 27; thence west to the north-west corner of out-lot No. 39; thence south to the north-west corner of out-lot No. 38; thence west to the north-west corner of out-lot No. 41; thence south to the south-west corner of fractional lot No. 26; thence east to the north-

east corner of out-lot No. 35; thence south to the south-west corner of fractional lot No. 9; thence east to the south-east corner of the University square; thence north to the south-west corner of out-lot No. 72; thence east to the south-east corner of out-lot No. 75; thence to the north-east corner of out-lot No. 27—the place of beginning, including all the in-lots and out-lots of said town, be, and the same is hereby erected into a town corporate, which shall henceforth be known and designated by the name of the town of Bloomington; subject however, to such repeal, alteration and regulation as the legislature may, from time to time, prescribe.

SEC. 2. That for the better ordering and governing of said town of Bloomington and the inhabitants thereof, there shall be a mayor, recorder and five trustees, who shall be elected and sworn as herein-after directed; which mayor, recorder and trustees shall be a body corporate and politic, with perpetual succession, to be known and designated by the name of the Common Council of the town of Bloomington; and also, that they and their successors by the name aforesaid shall be able and capable in law to receive, acquire, hold and enjoy any estate real or personal, for the use of said town, (provided, that the amount thereof shall not exceed in value at any one time the sum of (\$5,000) five thousand dollars,) and shall also be capable in law by the name aforesaid, of suing and being sued, of pleading and being impleaded in any action or suit in any court of this State; and when any action or suit shall be commenced against the said common council, the first process shall be a summons, an attested copy of which shall be left with the recorder, or at his usual place of abode, at least four days before the return day thereof; and the said common council are hereby authorized to have a common seal for the use of said corporation, and the same to alter or renew at pleasure.

SEC. 3. That the qualified electors, who shall have resided six months within the limits of said corporation, immediately previous to any election to be holden under this act, shall assemble between the hours of ten o'clock, A. M. and four o'clock, P. M., on the first Monday of March annually, at the court house in Bloomington, and then and there elect by ballot a mayor, recorder, five trustees, treasurer and town marshal, who shall be designated on tickets for the respective offices, who shall serve for the term of one year, and until their successors are duly elected and qualified; and each of the said officers shall, within five days after receiving notice of his election, take an oath or affirmation to support the Constitution of the United States and of this State, and also faithfully to discharge the duties of his respective office, to be administered by some person authorised to administer oaths and affirmations; and every election to be held under this act, shall be conducted agreeably to the law regulating the election of township officers, until otherwise directed by the common council: *Provided*, That a failure to hold any election at the time specified in this section, shall in no case work a for-

feiture of the charter of said corporation; but that in case of such failure, an election may be held on any subsequent day, after public notice given by six advertisements, signed by any three persons having the qualifications of electors in said corporation, and set up in six public places in said town of Bloomington, at least ten days previous to the time appointed for holding such election, which said advertisement shall specify the object of said election, and the time appointed for holding the same, which election shall be held and conducted in the same manner as is prescribed by the foregoing provisions of this section.

Sec. 4. That the mayor shall be a conservator of the peace within the limits of said corporation, and shall have the same power of a justice of the peace, in civil and criminal cases, to apprehend, commit, fine or hold to bail for any offence against the laws of this State, committed within the limits of said corporation; and the town marshal shall serve and execute all process to him directed, and shall have the same power and authority of a constable in civil and criminal cases, within the limits of said corporation; and it shall be the duty of the marshal to suppress all riots, disturbances and breaches of the peace, and to apprehend all riotous, disorderly persons, or disturbers of the peace, and forthwith convey them before the mayor; and in case of resistance, it shall be lawful for him to command the aid of any by-stander, in apprehending and conveying such offender to the mayor's office, and it shall be the duty of the mayor forthwith to hear and determine the complaint: *Provided*, That an appeal shall be allowed to the circuit court, from the judgment of the said mayor or recorder of the said common council, in all civil and criminal cases, in the same manner, and under the same regulations and restrictions as is or may be provided by the law in case of judgments rendered by justices of the peace.

Sec. 5. That four members of the said common council, and the mayor or recorder, shall constitute a quorum, and shall and may, from time to time, hold a common council, at such places as the mayor or recorder shall appoint, and shall have full power and authority to enact and publish all such laws and ordinances as to them shall seem necessary, relative to the regulations of streets, alleys and highways, keeping the same in repair, by cleansing, raising, draining or turnpiking, or otherwise, and for causing and requiring owners of in-lots to pave or McAdamize the side-walks in front of their respective lots, in such part or parts of said corporation, as the said common council shall from time to time prescribe, and for establishing and regulating markets, and for restraining swine from running at large within the said corporation, belonging to the inhabitants thereof, and for the preservation and safety of buildings, for cleaning chimneys, for preventing or extinguishing fires within the limits of said corporation, and for regulating the height and extent of fences before yard doors in said corporation, to impose reasonable fines upon all persons transgressing against the laws and ordinances made as afore-

said, and to enact and publish all such other laws and ordinances as the said common council shall deem necessary and proper for the health, safety, cleanliness, convenience and good government of the said corporation and the inhabitants thereof, not contrary to the Constitution and laws of the United States, or of this State; all which laws and ordinances shall be deposited with, and preserved by the recorder: *Provided*, That all laws and ordinances which shall be passed by said common council shall be published at length on the door of the court house in Bloomington, or in a newspaper published in Bloomington, at least ten days, by order of said common council, after which publication in manner aforesaid, such laws and ordinances shall be and remain in full force, until repealed or modified by the proper authority: *And provided also*, That nothing in this act contained, shall be so construed as to authorize any cattle, sheep, hogs, or other animals, belonging to any person who is not an inhabitant of said corporation, to be abused, taken up or sold for coming in, or passing through the bounds of said corporation.

Sec. 6. That the said common council shall, and may appoint one of their own body, to administer all necessary oaths or affirmations, and shall and may appoint a supervisor of highways, clerk of the market, and such other subordinate officers as they may think necessary, who shall hold their respective offices until the next annual election of the common council, and until their successors are duly appointed and qualified; and the said common council shall be, and are hereby authorized to allow, from time to time, such fees to the officers so appointed, and to impose such fine or fines on any officer appointed under this act, for misconduct in office, as to them may seem necessary and proper. And the said common council shall also have the power to fill all vacancies that may happen in the common council, and the appointments so made, shall continue until the next annual election, and until the successors of the persons so appointed are duly elected and qualified.

Sec. 7. That the mayor of the common council shall, and he is hereby authorized and empowered, upon view, or information founded upon oath, of the violation of any law or ordinance passed by the said common council, to issue a warrant, directed to the marshal, commanding him to bring before him (the said mayor) the person or persons properly charged with such violation; and shall have power to summon witnesses throughout the county of Monroe, and to impose a fine for neglect or refusal to obey such summons; to administer all necessary oaths or affirmations, and to hear and determine such accusation, and upon conviction, to impose such fine as the laws and ordinances shall prescribe, and shall allow to witnesses, for attendance, fifty cents per day, and to the marshal such fees for serving process and other services required of him, as are allowed by law to constables in civil cases, and tax such costs against the person or persons so convicted. And the said mayor or recorder shall cause such fine or fines to be collected, together with costs, by

execution, directed to the marshal, commanding him to cause to be made the fine or fines so imposed as aforesaid, together with costs, of the chattels of the person or persons so convicted, and if sufficient goods and chattels cannot be found, to commit the person or persons so convicted, to the jail of the proper county, as justices of the peace may now commit; and the marshal, in executing said process, shall be governed by the same rules and regulations provided, or hereafter to be provided, for serving executions by constables in such cases, and shall have the same power and authority which is or may be given to them by law; and the said fine or fines, when collected, shall be paid over by the marshal to the mayor or recorder of the common council, who shall pay and report the same to the proper authorities, as justices of the peace are required to pay and report the same: *Provided*, That no person shall be imprisoned under the authority of this section for a longer period than twenty-four hours at any one time.

SEC. 8. That the mayor shall keep a docket, in which he shall regularly enter all causes brought before him against any person or persons for violations of the laws and ordinances of the common council; and shall, on the application of any defendant or defendants, plaintiff or plaintiffs, and the payment of such fees as are allowed by law to justices of the peace in like cases, give to him or them a transcript from his docket, which, when duly entered and recorded by the clerk of the proper circuit court, shall have the effect of transcripts from justices of the peace.

SEC. 9. That all warrants and process shall be in the name of the common council of the town of Bloomington, sealed with the seal of the corporation, and signed by the mayor.

SEC. 10. That the recorder shall, in the absence, death or disability of the mayor, have, hold and execute the several offices and duties imposed on the mayor by this act.

SEC. 11. That the common council shall have power to require of any able bodied elector, who shall have resided three months next preceding such requisition, within the limits of the corporation, to perform two days labor on the streets or highways, under the direction of the supervisor of the corporation, in the same manner and subject to the same regulations as are provided for in the laws of the State, regulating roads and highways.

SEC. 12. That the said common council shall, on or before the first day of March, annually thereafter, file a notice with the auditor of said county of Monroe, setting forth that said council require a tax on such property, situate or owned within the limits of said corporation, (as is subject to taxation for State, county or other purposes) to be levied and collected by the officers of said county in the same manner as other taxes are levied and collected; and said notice shall specify the per centum that will be required to be assessed on the valuation of such property, which shall in no case exceed one half of one per cent. on the appraised value of such taxable property,

and it shall be the duty of said auditor, forthwith, to give notice to the assessor of said county; and it shall be the duty of the said assessor, after having received such notice, to make and return the assessment of such property, as is hereby made subject to a corporation tax, in such manner as to enable said auditor to levy the tax so required for corporation purposes, which said auditor shall exhibit on his duplicate in a distinct column made for that purpose, in the same manner as is required by law for levying taxes for township purposes; and said tax, so levied for corporation purposes, shall be collected and paid over by the county treasurer to the treasurer of the corporation, after deducting and retaining such per centum, on the amount so collected, as is by law allowed for collecting the other taxes of the said county.

SEC. 13. That all moneys, arising from taxes, shall be paid to the treasurer, who shall give bond to the council and their successors, to be approved by them, for the faithful discharge of the trust committed to him, and when required by said council, shall submit his books to their inspection.

SEC. 14. That the said common council shall be allowed the use of the jail of Monroe county, for the confinement of all such persons as shall be liable to imprisonment under the seventh section of this act; and all persons so imprisoned shall be in the charge of the keeper of said jail until discharged by due course of law.

SEC. 15. The mayor of said town of Bloomington, or the recorder thereof, when permitted to perform his duties under the provisions of this act, before he shall be authorized to exercise any judicial powers, or perform the usual duties of justice of the peace, shall execute and file his bond, with sufficient freehold security, with the auditor of the county of Monroe, to his acceptance, in a penalty not less than one thousand dollars, payable to the State of Indiana and conditioned as bonds of justices of the peace are now by law required to be conditioned; and action may be brought on such bond, in the name of the State, upon the relation of any person injured by the official act or delinquency of such mayor or recorder, and said action shall have all the effect of an action upon a justices' bond.

SEC. 16. This act shall be in force from and after its publication.

CHAPTER IX.

An Act to incorporate the Newcastle and Andersontown Turnpike Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Miles Murphy and David Pickering of the county of Henry, and James Calvert, Peter Fesler and John McClanehon of the county of Madison, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the Newcastle and Andersontown Turnpike Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity, and do and perform all other things necessary and proper to be done by said company, in carrying out the object of its creation.

SEC. 2. The capital stock of said corporation, shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, and said stock shall be personal property.

SEC. 3. Said stock may be taken by any individual or corporation, and may be paid for in any kind of personal property or labor, as may be agreed upon, and in such way and manner, and at such times and places as shall, from time to time, be directed by said corporation.

SEC. 4. Any three persons named in the first section of this act, shall constitute a quorum for doing business, and so soon as may be deemed expedient, they shall meet at such place as may be agreed upon, and shall proceed to open books for the subscription of stock, and do all other things necessary for the complete organization of the company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the places of the absentees, or any of them, vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after three hundred dollars of the capital stock is subscribed, said commissioners shall appoint a time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares. Said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their office for one year, and until their successors are elected and qualified.

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten, and one

vote for each four shares above ten: *Provided*, That no stockholder shall have more than one hundred votes.

SEC. 8. The time, place and manner of holding all subsequent elections, shall be regulated by the by-laws of the company, except the elections shall be annually, as near as may be.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer, who shall give bond and security for their fidelity in office, which bonds shall be payable to said corporation. Said officers may be removed by said board at pleasure and successors appointed, who shall in like manner qualify. A majority of said directors shall constitute a quorum to do business; and to supply any vacancy that may occur in their body.

SEC. 10. Said company shall have power to view, mark, locate and construct a turnpike road from Newcastle in Henry county, by way of Cadiz in said county, and Columbus in Madison county, to Andersontown in said county; and in constructing said road, said company may follow such plan, and use such materials, as they may determine, and if it shall be found advantageous to the interests of said company, in the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road.

SEC. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act. They shall also have the power to appoint officers, agents, engineers [and operatives,] and require them, or any of them, to give such bonds, in such amounts, payable to said company, on such conditions as said company shall direct. To enforce the payment of all stock subscriptions at such time and place, and in such proportions as may be directed by said company; which payments may be enforced by a forfeiture of the stock to said company, or by suit; to issue certificates of stock, and regulate the mode of transferring the same; to acquire, lease, sell and dispose of such real estate, as shall be for the interest of said company; to enter upon, and take possession of, all lands and materials necessary for the location or construction of said road and its appendages, and the keeping it in repair, being accountable to the owners of the land and materials, for the reasonable value of the same; to keep said road in repair; to erect, continue and keep toll gates on the same; to establish, charge and collect tolls off of all persons using the same; to make and declare dividends of profits to the holders of the stock, and do all other acts proper to carry out the object of this act.

SEC. 12. If any person or persons shall knowingly injure or ob-

struct said road, or any thing belonging thereto, such person or persons, on conviction thereof, before any court of competent jurisdiction, shall pay to said company, twice the amount of the damage done, and costs of suit.

SEC. 13. Plain and accurate accounts of the receipts and expenditures of said company shall be kept by said company, which shall be subject to the inspection of any and all of the stockholders at any time.

SEC. 14. The service of legal process on the president, treasurer, or secretary of said company, shall be sufficient service on said company.

SEC. 15. The signature of the president, attested by the secretary, shall be full evidence and authentication of any act of the company, unless the by-laws of said company require a different authentication.

SEC. 16. Said company shall begin the construction of said road within five years, and complete it within ten years from the passage of this act, or this charter shall be forfeited; and at any time after twenty years, the State may repeal this act, by paying the company the value of their improvements. This act shall be in force from its passage, and be a public act, and construed liberally.

The General Assembly reserves the right to alter or amend this charter at pleasure.

CHAPTER X.

An Act incorporating the Kosciusko and Allen Turnpike Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jesse L. Williams, Samuel Hanna, R. J. Jones and D. A. F. Nichols, of the county of Allen, and D. E. Long, Horace Cleveland and James B. Simcoke of the county of Whitley, and E. French, E. A. Archibald, Metcalfe Bick, John B. Chapman, David Rippey, and William B. Blair of the county of Kosciusko, their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the Kosciusko and Allen Turnpike Company, and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do and perform all other things legitimate for such company to do, and they are hereby invested with all the powers

and privileges, in any wise necessary [or expedient,] to carry into effect the proper business of the association.

SEC. 2. The capital stock of the company shall consist of twenty-five [seventy-five] thousand dollars, with the privilege of increasing the same, at any time, to any sum not exceeding one hundred thousand dollars, or to any sum that may be deemed expedient, to carry into execution the legitimate objects of said company; and said stock shall be deemed personal property and subject to execution as is other personal property.

SEC. 3. Said stock shall be divided into shares of ten dollars each, and may be taken by any individual, company, county, or State, to be paid for in cash, labor, or any kind of property real or personal, that may be agreed upon, and in such way and manner and at such times and places as shall be by the company prescribed.

SEC. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be deemed expedient, they shall meet at such place as may be by them agreed upon, and shall proceed to open books for the subscription of the capital stock, and do all other things needful for the full organization of the company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees or any of them as vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after one thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares; said commissioners shall in all things manage such election and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election and each subsequent election, each stockholder shall have one vote on each share up to ten, one vote on every two shares above ten up to thirty, and one vote on every three shares above thirty up to sixty, one vote on every four shares above sixty up to one hundred; but no one shall have more than one hundred votes, and each stockholder may vote in person or by proxy, given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except that the elections shall be held annually as nearly as may be convenient.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all the other things belonging to the company; said directors shall choose one of their

number to act as president, they shall also appoint a secretary and treasurer, and this mode of organization and qualification shall be observed and continued by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business, and to supply any vacancies that may occur in their own body.

SEC. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Fort Wayne in Allen county to some suitable point in Kosciusko county, and in constructing said turnpike, said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with the power to grant the same.

SEC. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents and operatives, and require them or any of them to give such bonds as may be deemed expedient; to enforce the payment of all stock subscriptions, at such time and place, and in such proportions as may be agreed upon under pain of forfeiture of the shares of stock by the delinquent, and the payment made thereon to the company, or to sue for and recover the amount due in an action of assumpsit at their option; to issue proper certificates of stock and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the land and materials for such damages as may be just and reasonable, when the same are not voluntarily relinquished; to keep said road in repair; to erect, continue, and keep toll-gates; to establish, charge, and collect from all such as may use said road; to make and declare dividends of profits to the holders of the stock; and to do all other proper acts expedient to be done in accordance with the interest and meaning of this act.

SEC. 12. If any person or persons shall wilfully and knowingly injure or obstruct said road, or any thing belonging thereto, such person or persons, on conviction thereof, before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damage done and costs of suit.

SEC. 13. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall, at all times, be subject to the in-

spection of the stockholders, whenever any two of them shall apply at the same time for such inspection.

SEC. 14. The service of legal process on the president, treasurer, or secretary of said company, shall be held in all courts and places of sufficient service on said company, and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute shall be presumed, but no common law ground of defence when made to appear, shall by any thing herein contained, be construed to have been taken away.

SEC. 15. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use.

SEC. 16. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within five years, and finish the same within twenty years, and at any time after fifteen years from the completion of said road, the State may buy up the same from said company at cost and interest at not more than six per cent.

SEC. 17. This act shall be in force from and after its passage, and be deemed a public act, and shall be liberally construed, and it may be repealed at any time if said company shall forfeit its charter.

CHAPTER XI.

An Act to regulate the mode of doing Township business in the county of Elkhart.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several townships in the county of Elkhart, as at present organized, are hereby declared bodies corporate and politic, and by the names of their incorporations may sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts having competent jurisdiction.

SEC. 2. The qualified electors in each township in said county, shall meet at the usual places of holding elections, in their respective townships, on the first Monday in April annually, and elect three township trustees, a township treasurer and clerk, two overseers of

the poor, two fence viewers, as many constables as there are justices of the peace in each township, and as many supervisors of roads and highways as there are road districts in each township.

SEC. 3. The officers elected agreeably to the provisions of this act, shall severally hold their offices one year, and until their successors are chosen and qualified: *Provided, however,* That the township treasurer and constables shall, before entering upon the discharge of their several duties, give bond with security, to be approved of by the township trustees, in the sum of five hundred dollars, conditioned for the faithful discharge of the duties enjoined on them by this act, which bonds shall be made payable to the township treasurer and his successor in office, and shall be filed with the township clerk.

SEC. 4. The trustees elected as aforesaid, shall be judges of all elections held within their respective townships, and shall appoint at each election some suitable person, who, together with the township clerk, shall act as clerks of the township elections.

SEC. 5. The township clerk shall give notice of all elections held under the provisions of this act, by setting up manuscript advertisements at three of the most public places in the township, at least fifteen days previous to such election; he shall, when not otherwise officially engaged, act as clerk at all elections, and shall provide a sufficient number of blank certificates of election to be filled up and signed on the day of election by the judges of said election, and attested by the clerks, and when so filled he shall deliver the same to the persons elected, or to some constable, who shall within five days thereafter, deliver the same to the persons elected as aforesaid, and the person elected clerk aforesaid, shall, within five days after receiving his certificate, appear before some person authorised to administer oaths, and take an oath or affirmation faithfully and impartially to discharge the duties of township clerk according to law; and the several other township officers elected as aforesaid, shall, within twenty days after the election, appear before the clerk of the township, who is hereby authorised to administer oaths, or before some other person authorised to administer the same, and take each an oath or affirmation, faithfully and impartially to discharge the several duties assigned them according to the provisions of this act.

SEC. 6. The trustees shall meet at, or near the usual places of holding elections, on the first Mondays of March, June, September and November annually, to transact the business of the township, and may hold special sessions whenever the interest or business of the township shall require it, and the township clerk shall, at such meetings, keep a fair and true record in a book to be provided for that purpose, of the proceedings of said board.

SEC. 7. Any person elected to a township office, and refusing to qualify, shall forfeit and pay to the township, the sum of five dollars, to be recovered in an action of debt, before any justice of the peace in the township, in the name of the township treasurer.

SEC. 8. At the first meeting of the trustees in June annually, the

board shall proceed to revise the boundaries of the road districts in their township, and shall cause a map or plat of the same to be made by the township clerk, accurately numbered, with the name of the supervisor for the current year, and shall file the same within ten days thereafter, with the auditor of said county; and said clerk shall report to the auditor from time to time, all alterations which shall be made in the several road districts: *Provided,* That the said road districts shall in all cases be bounded by township, section, or half section lines.

SEC. 9. That it shall be the duty of the several township clerks, in their respective townships in said county, to keep a record of all marks and brands of their respective townships, in a book to be kept for that purpose, who shall be entitled to demand and receive from the person or persons so having said record made as aforesaid, twelve and a half cents for each record.

SEC. 10. The trustees shall fill all vacancies that may occur in any of the offices mentioned in this act, occasioned either by death, resignation or removal, and the person so appointed, shall give the same bond, and take the same oath as is required in other cases.

SEC. 11. The trustees at their June session, shall determine the amount of tax to be levied on each hundred dollars, if any, in their respective townships, and shall cause a copy of their order to be certified to the county auditor by their clerk, within ten days after the same shall have been made, and the amount of tax shall be added to the duplicate for the current year, and be collected as other taxes are collected.

SEC. 12. The trustees shall have a general supervision of the treasury of their respective townships, and shall audit and allow to the trustees, clerk, treasurer, judges and clerks of elections, and supervisors of roads, a reasonable compensation for their respective services, not to exceed one dollar per day, to be paid out of the township treasury, on a certificate of the township clerk: *Provided,* That the aforesaid certificate shall be received in lieu of any road work or tax by any supervisor, in whose district the holder thereof resides.

SEC. 13. It shall be the duty of the treasurers to receive all moneys belonging to their respective townships, and receipt therefor, which receipt shall be filed with their respective township clerks, or a duplicate thereof, and the clerk shall thereupon charge the same to the account of the treasurer; and the treasurer shall pay over to any person entitled to demand and receive the same, any moneys which may be in the treasury, on the order of the trustees, and certified by the clerk of the township; and when the clerk shall draw on the treasurer, he shall enter the amount so drawn to the credit of the treasurer; and the treasurer shall, on going out of office, deliver over to his successor in office, all books and papers belonging to his office,

and shall make a full settlement with the trustees at their annual session in March.

SEC. 14. The trustees, at their annual March session, shall settle with the township treasurers, and the supervisors of roads, and receive their reports in relation to the personal road tax in their respective road districts.

SEC. 15. The trustees shall have power to establish, change, or vacate any road in their respective townships: *Provided*, That no road shall be vacated or established, in which any other township is interested, or which passes through another township, without the consent of the trustees of said township.

SEC. 16. A certified copy of the order of the trustees, establishing, changing or vacating any road, shall, within thirty days thereafter, be filed with the county auditor, and by him recorded in the records of said county.

SEC. 17. That when any person or persons wishing to establish cart-ways or any township road, or to change a road in any of the townships, such person or persons, before any road can be thus established or changed, shall give notice of such application, at least twenty days preceding such application, to the board of trustees, by setting up advertisements in at least three of the most public places in the township in which such road is proposed to be located or changed, and shall also present to the board of trustees, a petition, signed by at least twelve freeholders of the neighborhood through which the same may run, setting forth their reasons for such location or change.

SEC. 18. And on receiving the petition, the board, if they deem it expedient, shall proceed to examine the route thus proposed, and on the view and examination of the proposed road, they shall, if they conceive that the public good requires it, establish the same and make a record of the proceedings in the book in which the records of the county are kept, and when so recorded, shall be deemed a public highway, and shall be opened and kept in repair as other roads and highways in the township are.

SEC. 19. That the trustees, by virtue of their office, shall be commissioners to view, mark and locate all the roads in the township for which they are chosen, except where one of them may be interested, and in that case the other two shall have power to examine and report in the same manner that they all might have done.

SEC. 20. That all acts and parts of acts coming in the purview of this act, be, and the same are hereby repealed; and [this act] shall be in force from and after its publication in the Goshen Democrat.

CHAPTER XII.

An Act to amend an act entitled "An act changing the mode of doing county business in the county of Clay," approved January 17, 1842.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of the above recited act be so amended, that the election of commissioners contemplated by said act, shall not be confined to the justices of the peace, but that it shall be lawful to elect any qualified voter to do the county business, as therein contemplated; *Provided, however*, That nothing herein contained shall be so construed as to render said justices of the peace ineligible to said office.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XIII.

An Act declaring Big Blue River a public highway.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Big Blue River in the counties of Harrison, Crawford, and Washington, from its mouth up to Hagan's mills, in Washington county, be and the same is hereby declared a public highway.

SEC. 2. If any person or persons shall erect, or keep up any mill dam, or other obstruction calculated to destroy or injure the navigation of said stream, every person or persons so offending shall for every such offence, be fined in any sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by presentment or indictment in any of the circuit courts of the counties bounding on said stream from its mouth to the said Hagan's mills, and shall be moreover liable to the action of any person or persons who may be injured thereby.

SEC. 3. If any person or persons shall obstruct the navigation of said stream by falling timber therein and not removing the same within five days thereafter, every person so offending shall for every such offence, on conviction before any justice of the peace of the proper township be fined in any sum not exceeding three dollars.

All fines collected for breaches of this act, shall be paid over by the officer collecting the same to the trustee of the county seminary of the county where the same may be collected.

SEC. 4. *Provided, however,* that nothing contained in the foregoing sections, shall be so construed as to prevent any person or persons, who may have purchased from the United States, the bed of any part of said stream, hereby declared navigable, from erecting any dam as on other streams, which when erected will be of public utility: *Provided,* such person or persons shall construct simultaneously with the erection of such dam, and at all times keep in repair, good and sufficient locks or slopes, of dimensions sufficient to secure the safe passage of all such boats or other crafts as may navigate said river: *Provided, also,* That nothing in this act contained, shall be so construed, as to affect any mill dam or dams erected across the fore-mentioned water course previous to the passage of this act, if proper slopes or locks as herein prescribed, be erected and kept in repair, on or before the first day of January, one thousand eight hundred and thirty [forty] six, the dimensions and construction of which, together with all other locks and slopes contemplated by this act, the boards doing county business of the proper county, shall at all times have a right to prescribe and regulate.

SEC. 5. This act shall be given in special charge to the grand juries of the counties of Harrison, Washington, and Crawford, by the judges of the circuit courts of said counties, at all their terms next succeeding the first day of January, one thousand eight hundred and thirty [forty] six.

SEC. 6. All acts or parts of acts contravening, or coming within the provisions of this act, be and the same is [are] hereby repealed, so far as the navigation of Big Blue river is concerned.

This act to take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER XIV.

An Act to change the mode of doing county business in the county of Crawford.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act changing the mode of doing county business in the county of Clay, approved January 17, 1842, be and the same is hereby extended to the county of Crawford, except as hereinafter provided.

SEC. 2. The board doing county business in and for the county of Crawford, shall be allowed one dollar per day for the time that they may be necessarily engaged in performing the duties of such county board.

SEC. 3. That any five justices elected as in the act to which this is an amendment, may form said county board.

SEC. 4. That all laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

SEC. 5. This act to take effect from and after its passage and publication in the Sentinel.

CHAPTER XV.

An Act to authorize the Treasurer of Dubois county to perform the duties of School Commissioner.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the treasurer of Dubois county, be and he is hereby authorized and required to do and perform all the duties enjoined by law on the school commissioner of said county.

SEC. 2. Before entering upon the discharge of the duties of school commissioner, he shall take an oath of office, and give bond and security as is required by law of school commissioners, and shall receive the same compensation for his services as is allowed by law to school commissioners.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XVI.

An Act in relation to School District No. 1, in Congressional Township No. 15.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the tax levied in the spring of the year 1844, by certain persons in said district, for the purpose of building a school

house, and supporting a school therein, be suspended; and that the collector of said taxes is hereby required to refrain from the collection thereof.

SEC. 2. That the legal voters under the provisions of the present school laws of said district, be required to meet on the first Monday of March, 1845, at 10 o'clock, A. M. of said day, at the usual place of voting in said district, and decide, by a vote or votes, whether the tax so levied as aforesaid shall be acquiesced in; and the decision of a majority of such legal voters, made as herein prescribed, shall be obligatory and decisive in the premises.

SEC. 3. The collector of said taxes in the said county of Marion, shall proceed to collect the same, as the law directs, or forbear therefrom, according to the decision of a majority of the said voters, as certified to him by the proper officers of the said meeting.

SEC. 4. This act to be in force from and after its publication in the Indiana State Journal and the Indiana State Sentinel, newspapers at Indianapolis: the expense of which shall be paid by said district.

CHAPTER XVII.

An Act to repeal part of an act entitled "An act vesting the duties of School Commissioner in the County Treasurer in certain counties," approved January 15, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act vesting the duties of school commissioner in the county treasurer in certain counties," approved January 15, 1844, shall be and the same is hereby repealed so far as relates to Fayette county, and the laws repealed thereby are hereby revived; and that the duties properly belonging to the school commissioner of Fayette county be again revived by the said school commissioner of said county, and it is hereby made his duty to discharge all the duties devolving upon the office of school commissioner in said county, until his term of service shall have expired for which he was elected, in the same way and manner, as though the act, to which this is amendatory, had never been passed.

SEC. 2. This act to be in force from and after its publication in the State Sentinel and Indiana Journal.

CHAPTER XVIII.

An Act to incorporate the New Castle Band of Musicians.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That M. Seldon Ward, William Wayman, Richard Goodwin, William Allender, Marshall E. McMeans, Peter Shroyer, Henry C. Grubbs, Adolphus Rogers, James A. McMeans, James Kinsey, George W. Goodwin, Owen Branson, George W. Scott, Joshua H. Mellett, and William Kinsey, and their associates and successors, be and they are hereby constituted and declared to be a body politic and corporate by the name and style of the New Castle Band, with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said band is hereby authorized and empowered to adopt a constitution; to make, establish, and enforce such by-laws, rules, and ordinances, under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of the State of Indiana.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the same; may regulate the manner of appointing or electing such officers, and their term of service, and make such rules and regulations for the reception or expulsion of members, as they may deem meet and proper.

SEC. 4. Said corporation may receive donations in money or property, and may purchase property, musical instruments or books, and may hold and devote the same to the purposes of the band, and may convey, alien, or sell any or all such property.

SEC. 5. The legislature reserves to itself the right to amend and alter this charter at any time hereafter, or annul the same whenever it shall have been forfeited.

SEC. 6. This act to take effect and be in force from and after the publication of a certified copy thereof in the Indiana Courier, and it is hereby made the duty of the secretary of State to forward said copy.

CHAPTER XIX.

An Act for the relief of the securities of Daniel Carle.

[APPROVED JANUARY 13, 1845.]

WHEREAS, Daniel Carle as school commissioner of the county of Montgomery, in the State of Indiana, gave his official bond with Henry Lee, George Miller, William W. Galey, Martin Vanhook, Solomon Ball, Absalom Ketcham, Jas. R. H. Bryant, John D. Strickland, and Youel B. Pullin as his securities: AND WHEREAS, after said Daniel Carle's term of office had expired, upon a final settlement made as such school commissioner, by said Daniel Carle, with John B. Austin at that time auditor of the county of Montgomery, on the 15th day of December, A. D. 1841, the said Carle was found by said settlement to be delinquent as such school commissioner in the sum of eight hundred and seventy-three dollars and ninety-six cents, [\$873 96.] AND WHEREAS, some time after said settlement was made as aforesaid, by said auditor and commissioner, said auditor alleged that a mistake had been made in said settlement in favor of said school commissioner and that his delinquency was greater than said settlement shows: AND WHEREAS, the loose and careless manner in which the said school commissioner kept his books and papers, was such that his delinquency, if greater than said settlement shows, can never probably be correctly ascertained; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said Henry Lee, George Miller, William W. Galey, Martin Vanhook, Solomon Ball, Absalom Ketcham, James R. H. Bryant, John D. Strickland, and Youell B. Pullin be released from all liability by virtue of being securities upon the official bond of Daniel Carle, except their liability as shown by the said settlement made by said Daniel Carle with the said John B. Austin, Auditor of Montgomery county, the fifteenth day of December in the year 1841.

SEC. 2. That the provisions of this act may be plead in bar by said securities to any suit or suits that are now pending, or that may hereafter be brought on said official bond against said securities.

SEC. 3. That the provisions of this bill are not to extend to the said Daniel Carle or his liability.

This act to be in force from and after its passage and publication in the State Sentinel and Indiana State Journal.

CHAPTER XX.

An Act for the relief of William G. Pomeroy.

[APPROVED JANUARY 13, 1845.]

WHEREAS, heretofore, to-wit, on the ninth day of January, 1841, the following described lands, to-wit: The west half of the north east quarter of section forty-one, in township thirty-six, north of range two east, containing eighty-one acres and forty-three hundredths of an acre; also, the west half of the north east quarter of section thirteen, in township thirty-seven, north of range four east, containing eighty acres; also, the east half of the north east quarter of section twenty-four, and the east half of the north east quarter of section thirty-six, and the west half of the north east quarter of section twenty-four, all the three last named tracts in township thirty-seven, north of range four east, containing eighty acres each; also, the south half of the north east quarter of section fifteen, in township thirty-six, north of range two east, containing eighty acres and forty-six hundredths of an acre, all of Michigan road lands, and in all containing and being four hundred and eighty-one acres and eighty-nine hundredths of an acre, became forfeited to the State of Indiana, for the non-payment of interest thereon, due by virtue of a mortgage made by one Sidney Williams, on the fifteenth day of November, 1834, and recorded in St. Joseph county on the 21st day of January, 1835, in book B, page 161, of the records of deeds in said county: AND WHEREAS, George H. Dunn, superintendent of the loan office, successor to N. B. Palmer, proceeded to advertise said premises for sale from the fourth day of September until the 11th day of November, A. D. 1843, in the Indiana Journal and Indiana State Sentinel, two newspapers published in Indianapolis: AND WHEREAS, afterwards, to-wit, on the 11th day of November, 1843, in pursuance of his said advertisement, at the court house door in Indianapolis, between the hours of two and four o'clock, P. M., he proceeded to offer for sale so much of said mortgaged premises, for cash in hand, as would pay the principal and interest then due, and damages allowed by statute, and costs, amounting to three hundred and two dollars and twenty-nine cents, and no person bidding therefor on the terms aforesaid, the superintendent bought the same for the use of the Indiana College, and immediately offered the same for sale on a credit of five years, but there was no bidder therefor: AND WHEREAS, afterwards, to-wit, on the ninth day of February, 1844, William G. Pomeroy appeared and bid for said lands the sum of three hundred and seven dollars and fifty-eight cents, the amount due on said mortgage for principal and interest up to the last mentioned date, and that being the highest bid for the same,

the said lands were accordingly sold to the said William G. Pomeroy, for the said sum of money last mentioned: **AND WHEREAS**, afterwards, to-wit, on the 24th day of February, 1844, a certificate of purchase was duly issued to the said William G. Pomeroy, numbered 327, certifying that the said William G. Pomeroy is the legal owner of the said premises, upon the conditions following, to-wit: That the said William G. Pomeroy shall pay the interest annually in advance, at the rate of seven per centum per annum, on the sum bid by him as aforesaid, and the principal, being the amount so bid by him as aforesaid, within five years from and after the ninth day of February, 1844. But on failure to pay the principal or interest as they shall become due, the said lands shall immediately forfeit, as by law in such cases made and provided. **AND WHEREAS**, the said lands so mortgaged by the said Sidney Williams, were at the date of the said mortgage, supposed to be situate, lying, and being in the said county of St. Joseph, in said State, and the said mortgage recorded in the said county of St. Joseph, and there only, when in fact, all the said lands with the exception of the said west half of the north east quarter of section twenty-one, and the south half of the north east quarter of section fifteen, in township thirty-six, north of range two east, were situate, lying, and being in the county of Elkhart, in said State, whereby the said mortgage as to the said several other tracts of land above mentioned, is wholly without effect: **AND WHEREAS**, the said Sidney Williams has long since sold said several tracts of land situate in the said county of Elkhart, and by deed in fee simple, has conveyed the same to innocent purchasers, and is now wholly and entirely insolvent, thereby leaving the said State of Indiana without a successful remedy at law or otherwise: **AND WHEREAS**, the said William G. Pomeroy purchased of said State all of said lands in good faith, and having paid the first instalment of interest due, in advance, according to the conditions and requisitions of said sale and purchase; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of State be, and he is hereby authorized to rescind a certain contract made between the State of Indiana and William G. Pomeroy, in relation to the sale and purchase of lands mortgaged to the said State of Indiana by Sidney Williams in the year 1834, and forfeited to the State.

SEC. 2. The auditor aforesaid is hereby authorized to issue a warrant upon the proper fund, for the purchase money paid by said Pomeroy on the said contract, and deliver the same to said Pomeroy on demand.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXI.

An Act to amend an act, entitled "An act for the relief of David D. Weddle, of Brown county," approved January 13, 1844.

[APPROVED JANUARY 13, 1845.]

WHEREAS, By an act entitled "an act for the relief of David D. Weddle, of Brown county," approved January 13, 1844, certain specific relief was granted by the General Assembly to the said Weddle as the purchaser of the south-west quarter of the north-east quarter of section No. twenty-seven, in township No. nine north, of range No. two east: **AND WHEREAS**, by a misprint, the said act was rendered ineffectual; the said tract being therein described as the north-east quarter of the north-east quarter of section No. thirty-four, in township No. ten north, of range No. two east. Now, therefore, for the further relief of the said David D. Weddle,

Be it enacted by the General Assembly of the State of Indiana, That the description of said land as contained in the above recited act, be, and the same is hereby declared to be a misprint, and that the provisions of said act be, and the same are applied to the said south-west quarter of the north-east quarter of section twenty-seven, township number nine north, of range two east, as fully and effectually as if said description had been truly printed in said above recited act.

This act shall be in force from and after its passage.

CHAPTER XXII.

An Act for the relief of the purchasers of lands in the seminary township, in Monroe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of final payment for the east and west sections of the seminary lands in Monroe county, is hereby extended for five years to the purchasers of the said sections: *Provided*, That said purchasers punctually pay the interest upon their several purchases, agreeably to the laws now in force on that subject.

SEC. 2. That any purchasers, or their assignees, of any of the

lands in the said township, who may have failed to pay the interest due upon said lands respectively the past years, shall be permitted to redeem the same previous to the first day of June next, by the payments in full of all interest due thereon.

This act to be in force from and after its passage.

CHAPTER XXIII.

An Act to incorporate the Logansport Brass Band.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John F. Merrill, Ruel D. Rice, Thomas Douglass, James K. Reeves, John F. Douglass, James Smith Cowdrey, John Burns, James Douglass and G. R. Underwood, of the county of Cass, and their associates and successors be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of the Logansport Brass Band, and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any and all courts of law or equity, or before any justice of the peace; and to create and elect or appoint their officers, and invest them with such powers, and impose upon them such duties, as they shall by by-laws ordain: *Provided*, That in all elections a majority of all the votes given shall be necessary to a choice, and that no member shall hold more than one office at the same time in said corporation, except those of secretary and treasurer, which may be holden by the same person.

SEC. 2. Said corporation shall, within one year after the passage of this act, proceed to establish such constitution, by-laws, rules and regulations as they may deem necessary for the effective organization of said corporation, and the same to alter, amend, or repeal at any regular meeting of said company.

SEC. 3. Said company shall have power to pass by-laws to compel the attendance of members, and to levy a fine not exceeding one dollar for a violation thereof, and the same to collect before any justice of the peace, or court of competent jurisdiction; to regulate and prescribe the terms of admission and dismissal of members to and from said company; to provide by by-law that no member shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable price, and that the person purchasing the same shall not be entitled to the benefits and privileges thereof, until he is first regularly admitted a member, according to the by-laws of said company; to levy a tax upon its members

not exceeding ten dollars each in any one year, for the purpose of defraying the expenses of said company, and the same to collect before any justice of the peace or court of competent jurisdiction; to purchase all such instruments as may be directed by a vote of two thirds of the members thereof, and to levy and collect of its members a *pro rata* tax, sufficient in amount to pay for the same; to employ such teacher or teachers, at such salary or salaries as shall be directed by a vote of two thirds of the members, which salary or salaries shall be paid by a *pro rata* tax, to be assessed and collected of the members of said company; to purchase, receive by donation, and hold personal and real estate for the use of said company, not to exceed in value the sum of five thousand dollars; to erect, purchase, lease and hold a building or buildings for said company to hold their meetings in; to receive subscriptions for the use of said company, and the same to collect before any justice of the peace or other court of competent jurisdiction.

SEC. 4. All meetings shall be considered regular, when two thirds of the members are present, whether held at the regular time or not.

SEC. 5. The books of said company shall be *prima facie* evidence against said company, in all courts of the facts therein stated, and the same may be proved by any member of said company.

This act to take effect and be in force from and after its passage.

CHAPTER XXIV.

An Act to authorize an additional place of holding elections in Redding township, Jackson county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Redding township, in Jackson county, be, and they are hereby authorized to elect an additional inspector of elections for said township, who shall open polls for voting at Reddington, and shall be governed in all respects by the laws regulating general and township elections in this State.

SEC. 2. In order to determine who are elected supervisors of roads, fence viewers, constables, and justices of the peace, the judges and inspector of elections at Reddington, shall make a certificate under their hands and seals, of the whole number of votes given for supervisors of roads, fence viewers, constables, and justices of the peace; and one of the judges shall, on the day succeeding the election, meet one of the judges at Rockford, compare the votes, and give certificates of election to persons having the greatest number of

votes for the offices aforesaid; the returns in all other respects shall be as prescribed by law.

SEC. 3. It shall be the duty of the county auditor to appoint an inspector of elections at the town of Reddington, who shall serve as such until his successor is elected and qualified.

SEC. 4. This act to be in force from and after its passage; and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county of Jackson.

CHAPTER XXV.

An Act to provide for the incorporation of the town of Lafayette, in Tippecanoe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of the town of Lafayette, shall at any time within one year after the passage of this act, organize and incorporate themselves, for the better regulation of their internal police, under the first article of the twenty-fifth chapter of the Revised Statutes of 1843, for the incorporation of towns; this act shall be taken and construed to be an amendment of said article, so far as relates to the town of Lafayette.

SEC. 2. The corporate limits of said town shall extend one half mile in each direction, north, south and west, of the public square, and three fourths of a mile east of the public square, and the provisions of said article, and this amendment thereto, shall fully and to all intents and purposes, operate throughout the limits aforesaid, whether the territory so included is laid out into town lots or not: *Provided,* That the jurisdiction aforesaid shall not extend beyond low water mark on the western bank of the Wabash river opposite said town.

SEC. 3. The twenty-seventh section of the article aforesaid, shall be, and the same is hereby amended, so as to enable the corporate authorities of said town to license the sale by a less quantity than one quart, any spiritous liquors, as provided in said section, by the applicant paying not less than five dollars into the treasury of said corporation.

SEC. 4. The corporate authorities aforesaid, may, at their discretion, levy and collect by ordinance, a wharfage tax on each and every steam boat touching at the wharves of said town, not exceeding the sum of five dollars for each and every boat; and may levy

and collect a tax on all shows and exhibitions, except of a literary and scientific character, at their discretion.

SEC. 5. Whenever any suit shall be instituted by said corporate authorities, said corporation shall not be compelled to show on such trial, their compliance with the provisions of the article aforesaid, as to their organization, unless the same shall be denied or controverted by special plea, verified by affidavit, in which case, a certificate from the auditor of said county, certifying that the board of county commissioners of said county had decided that two thirds of the inhabitants of said town had petitioned for the same, and that in accordance therewith, said board had ordered proceedings to be had under said article, which certificate shall be full and complete evidence of such incorporation: *Provided however,* That said board of county commissioners shall make a full and complete record of their proceedings, showing that a petition had been presented, and that they were satisfied by proof made before them, that at least two thirds of the citizens included in the limits of said incorporation as established by this act, had signed the same, and that they had, in all things, complied with the provisions of said article.

SEC. 6. This act to be in force from and after the inhabitants of said town have incorporated themselves under the article aforesaid; and this act shall be an amendment thereto, and so much of said article as conflicts with the same is hereby repealed; and the Secretary of State is hereby directed to forward a certified copy thereof to the auditor of Tippecanoe county.

CHAPTER XXVI.

An act, providing for holding a special term of the Cass Circuit Court.

[APPROVED DECEMBER 12, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a special term of the Cass circuit court shall be held on the third Wednesday in December A. D. 1844, for the trial of all persons now confined in the jail of said county, or who may be committed to said jail previous to the adjournment of said court.

SEC. 2. Said court may adjourn from day to day, as long as the business may require.

SEC. 3. Said term of court shall be to all intents and purposes a regular term of the Cass circuit court, except as to the trial of civil causes and criminal causes now on the docket of said court.

SEC. 4. The said court may by the consent of parties, try any

causes now pending in said court, and may in their discretion, without such consent, try any cause on the chancery docket; hear and determine all petitions for partition, dower or divorce, when the process has been served the length of time and in the manner required by law.

SEC. 5. It shall be the duty of the sheriff of said county, to summon a grand and petit jury from among the qualified citizens of said county, at such time as he may be directed by the court; and said jurors shall in all things be governed by the laws now in force.

SEC. 6. This act shall be in force from and after its passage; and it shall be the duty of the Secretary of State forthwith to forward a certified copy of this act to the clerk of the Cass circuit court.

CHAPTER XXVII.

An act to carry into effect the provisions of an act therein named.

[APPROVED JANUARY 13, 1845.]

WHEREAS, by an act of the General Assembly of the State of Indiana entitled "an act for the relief of Huntington county, approved January 25, 1842," making an appropriation out of the moneys for the repairs of the Wabash and Erie canal for the purpose of building a bridge across Clear creek, and four hundred dollars to aid in making a road over a bluff about two miles below said creek, in place of the road that was destroyed by the construction of said canal in the said county of Huntington: AND WHEREAS, by placing said bridge across said creek at a point higher up than was first anticipated and equally as convenient for travellers, with a view of lessening the cost thereof, and apply the remainder on the bluffs below: AND WHEREAS, the commissioner of the said canal did not by the wording of the act aforesaid feel authorized to pay the remainder of said appropriation of six hundred dollars after paying for the construction of said bridge as by said act directed; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the general Superintendent of the Wabash and Erie canal be and he is hereby directed to pay to the order of the board of commissioners of Huntington county the remaining balance due of the six hundred dollars heretofore appropriated for the building of said bridge out of the fund that is used for making repairs on said canal east of Lafayette.

This act to be in force from and after its passage.

CHAPTER XXVIII.

An Act providing for the loaning of the School Funds of Clay and Posey counties.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the office of school commissioner of Clay and Posey counties, be, and the same are hereby abolished and vacated, and the school funds now in the hands of said commissioners, shall be divided among the several congressional townships according to the amount to which each is entitled, by paying the same to the township treasurers.*

SEC. 2. That the township treasurers shall, before receiving said funds, file additional bonds and security for the performance of their duties, and the safe keeping of said funds, and for the due application of the same according to law, to the acceptance of the boards doing county business in their respective counties.

SEC. 3. That said township treasurers shall, after receiving said funds, loan out the same and apply the proceeds in like manner as the school commissioners are now by law directed; and said township treasurers shall do and perform all the duties in their respective townships that the said school commissioners are now required to do.

SEC. 4. That the auditors of said counties are hereby required, to furnish said township treasurers with the necessary books and forms, to enable them to discharge the duties required of them by this act.

SEC. 5. That said auditors are hereby authorized and required, to apply the books now used by said school commissioners for the purposes above named, so far as the same can be used.

SEC. 6. It shall be the duty of the said school commissioners to pay over to the county treasurers any moneys, notes, or other evidences of debt, remaining in their hands, belonging to any township that may have neglected or refused to organize, or whose treasurers have failed or neglected to receive the same from him; and it shall be the further duty of the said county treasurers to dispose of said funds in the same manner as they are now disposed of by the school commissioners.

SEC. 7. It shall be the duty of said county treasurers, to enter into bond and security, to the satisfaction of the boards doing county business in their respective counties, in such sums as the said boards shall deem just and reasonable, for the faithful performance of the duties hereby required.

SEC. 8. Nothing herein contained, shall be so construed, as to release the said school commissioners or their securities from any lia-

bility, on their official bonds, until all the duties herein required, shall have been performed; nor shall it be construed as releasing them or their securities from any official conduct previous to the passage of this act.

SEC. 9. This act shall take effect and be in force from and after an official copy thereof shall have been filed in the office of the clerks of the circuit courts of Clay and Posey counties respectively.

CHAPTER XXIX.

An Act to legalize the publication of the lands returned and remaining delinquent, and sale thereof, for taxes due thereon, in the county of Cass, for the years eighteen hundred and forty-one, forty-two, and forty-three.

[APPROVED JANUARY 4, 1845.]

WHEREAS, the present law requires the publication of the lands returned and remaining delinquent for taxes due thereon, and the sale thereof, four successive weeks: AND WHEREAS, it is represented that the publication recently made in the Logansport Telegraph, of lands returned and remaining delinquent, and the sale thereof, for taxes due thereon, in Cass county, for the years eighteen hundred and forty-one, forty-two, and forty three, has been made but three successive weeks; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the publication in the Logansport Telegraph recently made, of the lands returned and remaining delinquent, and the sale thereof, for taxes due thereon, in the county of Cass, for the years eighteen hundred and forty-one, forty-two, and forty-three, shall be deemed, and is hereby made a sufficient publication of said delinquent lands and sale thereof, and as effectual in law, as though said publication had been made four successive weeks, and that the sale of so much of said land as may be made in pursuance of said notice, shall be as valid and as effectual in all respects, as though said publication had been made four successive weeks.

SEC. 2. All laws contravening the provisions of this act shall be void.

SEC. 3. This act to take effect and be in force from and after its passage, and the Secretary of State is required to forward forthwith to the treasurer and auditor of Cass county, by mail or otherwise, a certified copy of this act.

CHAPTER XXX.

An Act for the relief of the securities of William H. Darnall, former school commissioner of Hendricks county.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any land which may have been taken or may hereafter be taken, in execution by the sheriff [clerk] of Hendricks county, on judgment against William H. Darnall as school commissioner of Hendricks county, and his securities, that the sheriff [clerk] shall offer the same for sale, on a five years credit, from the day of such sale.

SEC. 2. Any person who may bid off said land or any part thereof, shall be entitled to a certificate of purchase, to be given from under the hand of the sheriff [clerk] and county auditor, conditioned that if the person or persons so bidding off said land, shall pay the usual rate of interest in advance, annually, for the term of five years, and shall at the end of the said five years, pay or cause to be paid to the school commissioner, the full amount of said purchase money so bid, then, and in that case, the school commissioner shall make said purchaser or purchasers or their legal assigns, a deed of conveyance, which shall vest all the right and title of said land, in said purchaser or purchasers, and the school commissioner, in making such deed, shall be governed in the same manner as in making deeds for sixteenth sections.

SEC. 3. So soon as there is property sold sufficient to cover the whole amount of said judgment and costs, and the usual rate of interest, for one year paid in advance by said purchaser or purchasers, the school commissioner shall enter full credit on said judgment, and said school commissioner shall be entitled to a credit for the amount credited, whether in whole or in part by the county auditor in his next settlement thereafter.

SEC. 4. It shall be the duty of the school commissioner to pay the lawful fee to the attorney employed in behalf of the State, and such other costs as may have accrued in such suits, and sale or sales, out of the first moneys that may come into his hands, by virtue of the within named judgment, to be proportioned between the several townships, according to the amount due the several townships on said judgments, and said attorney and others being entitled to costs on the aforesaid judgment, shall on the receipt of their several demands, give a receipt to said school commissioner for the several amounts by them received, and the county auditor shall credit said school commissioner with the amounts of said receipts at their next annual settlement.

SEC. 5. Said lands after having been sold, shall be in all respects subject to the law relative to lands bought and sold by the county

auditor and school commissioner, under mortgage to said school commissioner, and shall be managed and controlled by them in the same manner.

SEC. 6. This act to be in force from and after its passage.

SEC. 7. It shall be the duty of the Secretary of State to make out a certified copy of this act and send [the same] to the clerk of Hendricks county without delay.

CHAPTER XXXI.

An Act to authorize a special term of the Henry Circuit Court.

[APPROVED JANUARY 1, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president judge of the eleventh judicial circuit of the State of Indiana, together with the associate judges of the county of Henry, are hereby authorized to hold a special session of the Henry circuit court, commencing on the third Monday of January eighteen hundred and forty-five, and to continue from day to day as the business herein required to be performed shall require, for the purpose of trying or otherwise disposing of the case of Philip Moore now confined in the common jail of said county on a charge of murder.

SEC. 2. If from any cause the president judge of the aforesaid eleventh judicial circuit cannot attend and preside at said special session, it may be lawful for any other disinterested president judge of this State to preside.

SEC. 3. It shall be the duty of the clerk of the Henry circuit court, on being informed of the passage of this act, immediately to issue a *venire facias* requiring the sheriff of said county to empanel the regular panel of traverse jurors selected for the spring term eighteen hundred and forty-five, and on failure of any such jurors to attend the sheriff may supply their places from the by-standers.

SEC. 4. It shall further be the duty of the clerk aforesaid on being informed of the passage of this act to issue subpoenas for the attendance of all the witnesses in said case on the first day of the said special term.

SEC. 5. Said court when convened shall have full power to grant continuances on proper cause shown by either party, as in all other cases at a regular term.

SEC. 6. The said court so convened shall have full power to try all other persons who may on the said first Monday of January be

confined in the jail of said county: *Provided*, Said criminals may express their readiness and willingness for trial.

SEC. 7. This act to be in force from and after its passage, and it is hereby made the duty of the secretary of State to forward a certified copy hereof immediately to the clerk of the Henry circuit court.

CHAPTER XXXII.

An Act to authorize the holding of a special election in Gibson county.

[APPROVED DECEMBER 24, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified electors of Gibson county to hold a special election at the usual place of holding elections in the different townships in said county, on the second Monday of February, in the year 1845, for the purpose of electing one clerk of the circuit court, and one recorder for said county; the sheriff of said county having first given twenty days' notice thereof, by advertising the same in three of the most public places in each township in said county, and at the door of the court house of said county.

SEC. 2. It shall be the duty of the several inspectors of elections in said county, to attend at the time and place of holding said elections in their respective townships, for the purpose of holding said election; and should any inspector fail to attend, the qualified voters of such township who may be present, shall appoint an inspector, who shall in all things be governed by the law now in force regulating the duties of the regular inspector; and the inspector, in selecting judges and clerks of such election, shall be governed by the law now in force regulating general elections.

SEC. 3. The inspector, judges and clerks of said election, before opening said election, shall take the same oath that is prescribed by law to be taken by the inspector, judges and clerks of a general election; and if no person authorized to administer oaths be present, the inspector may administer the oath to the judges and clerks, and one of the judges may administer the said oath to the inspector, and said inspector shall have power to administer all necessary oaths, which may be required in the discharge of their duty during the progress of such election.

SEC. 4. It shall be the duty of the auditor of said county, to make out and deliver to the sheriff of said county, proper poll books for each township in said county, and also proper forms of election returns and certificates for each township in said county, and it shall

be the duty of the sheriff to cause the same to be delivered to the several inspectors, at least five days before the day of said election.

SEC. 5. The inspector, judges and clerks of said election, in regard to the time and manner of opening and closing said election, receiving and counting the votes, shall be governed by the law now in force in regard to general elections; and the inspector shall have the power to fill any vacancy that may occur in the board of judges or clerks, at any time after said election shall have been opened.

SEC. 6. As soon as all the votes are read off and counted, the board of judges shall make out a certificate under their hands, stating the number of votes received by each person at such election, and designating the office for which such person was voted to fill, which number shall be written in words at full length; and the said certificate, together with the list of votes contained in the poll book kept by one of the clerks, and one of the tally papers shall be deposited with the inspector, or one of the judges of said election.

SEC. 7. The said inspector or judges of the said several townships in said county, to whom said poll books, certificate and tally papers have been delivered as provided for in the last preceding section, shall constitute a board of canvassers, whose duty it shall be to assemble at the court house in said county, on the second day after the holding of said election, and having appointed one of their body chairman, in the presence of each other, and of the clerk of the circuit court of said county (who shall ex-officio act as clerk of said board,) between the hours of twelve, at noon, and four o'clock of the afternoon of said day, proceed to canvass and estimate the certificate, poll books and tally papers returned by each member of said board of canvassers.

SEC. 8. The said board having convened and compared the several certificates, poll books and tally papers, and estimated the true result, a full statement thereof shall be drawn up by the clerk, and shall contain the name of each person voted for, and the office for which he was voted to fill, the number of votes given in each township to each of such persons, the number given to each person in said county, and also the aggregate number of votes all together, as ascertained from said poll books, which statement shall be signed by each member of said board; and the same shall be, with said certificates, poll books and tally papers, forthwith by said clerk filed in his office, and the person having the highest number of votes given for each office, shall be by said board of canvassers, declared duly elected to said office, and so certified by the board in the above required statement.

SEC. 9. If two or more persons shall have the highest and an equal number of votes, for either of the aforesaid offices, a new election shall be had for said office, at the time and place in the several townships of said county as the sheriff may direct, and shall in all respects be governed by the provisions of this act; and after the said board of canvassers has declared any person duly elected to

either of said offices, and the papers and certificates have been deposited with the clerk as aforesaid, the clerk shall retain the same in his possession for five days, and if no contest be had thereon, shall make out a certified statement of such election under his hand and the seal of said court, specifying therein who had been declared by said board of canvassers duly elected to said offices, or either of them; and said clerk shall by mail forthwith transmit the same to the Secretary of State, and a commission shall issue from the governor to the person or persons elected to said office or offices, and the person so elected to said office or offices, shall enter into and execute bond in the same way and manner now provided by law in regard to the election of clerk and recorder, and shall duly take the same oath now provided by law.

SEC. 10. This act to take effect and be in force from and after a certified copy thereof shall have been published in the State Sentinel, and a copy thereof filed in the office of the clerk of the circuit court of said county.

CHAPTER XXXIII.

An act to re-locate the county seat of Martin county.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the county of Martin shall assemble in their several townships, at the usual place of holding elections, on the first Monday of March, in the year 1845, for the purpose of determining by ballot whether or not they are in favor of re-locating the seat of justice of said county.

SEC. 2. Said election shall be governed in all respects by the laws now in force, regulating general elections, and the qualified voters of said county, who are in favor of re-location, shall write upon their tickets the word "re-location," and the voters who are opposed to it, shall write upon their tickets the words "no re-location," and if a majority of the voters are opposed to a re-location, then no further proceedings shall be had under the provisions of this act; but if a majority shall be in favor of a re-location, it shall be the duty of the clerk of said county to certify the result of said election to the sheriff thereof, who shall proceed immediately to give the same notice that is now required by the laws regulating general elections, that an election will be held at the usual places of holding elections in the several townships of said county on the first Monday of April, in the year 1845, for the purpose of electing one commissioner from

each of the townships in said county, to re-locate the seat of justice thereof: *Provided*, that each of the commissioners aforesaid shall be voted for and elected by the qualified resident voters of the particular township in which said commissioner resides, and by none others.

SEC. 3. That it shall be the duty of the clerk of said county to make out a separate certificate for each of the commissioners so as aforesaid elected, and also to state in said certificate the particular time and place of meeting of said commissioners, as prescribed in this act, and to place the same in the hands of the sheriff of said county within five days from and after the day that the votes of said last named election are compared, and the result made known to him, and it shall be the duty of the sheriff aforesaid, to cause each one of said commissioners to be notified of his election within ten days after said certificates are deposited in his hands, by causing the same to be delivered over to the said commissioners, or to be left at the residence of so many as may not be served in person by a delivery thereof.

SEC. 4. That the commissioners or a majority of them elected under and by the provisions of this act, shall meet at the town of Harrisonville, in the county of Martin, on the thirtieth day of April, 1845, and after taking an oath faithfully and impartially to discharge the duties enjoined upon them by this act, shall proceed to locate the seat of justice for said county as near the geographical centre of said county as the situation of the land and the interest of the county will admit, taking into consideration donations as well as situation: *Provided further*, That the location shall be made within one mile and a half of the geographical centre of said county.

SEC. 5. That the said commissioners shall be and they are hereby authorized to receive all donations of land for the site of said seat of justice, or of moneys or property to buy the same, and all donations which may be made of land, money, or property to defray the expenses of erecting the necessary public buildings for the use of said county, and to take all necessary bonds and deeds, or other instruments of writing to secure the faithful performance of any and all contracts.

SEC. 6. The said commissioners shall after they have selected the site for said seat of justice, certify the same to the board of commissioners doing county business, in and for said county, at their May term, 1845, and shall also certify their proceedings in the premises to the recorder of said county, who shall make a proper record thereof, and they shall also deposit with the said recorder all deeds, bonds, and other instruments of writing which they may have received for the use of said county.

SEC. 7. That the board doing county business in and for said county, shall at their meeting at the May term, in the year 1845, or at their next meeting immediately thereafter, proceed to appoint a suitable person, who shall be a resident freeholder of said county, as commissioner to superintend the erection of said public

buildings for the use of said county, as the said board doing county business may direct and designate, which said commissioner, when so appointed, shall give bond and security in the penal sum of four thousand dollars, to the treasurer of said county, conditioned for the faithful discharge of all the duties enjoined upon him by virtue of this act, which said bond shall be made payable to the said treasurer of said county, for the sole use of said county; and the treasurer is hereby made the judge of the sufficiency of said security; and the said commissioner shall have power to receive any donations which may be made for the use of said county, for the purposes aforesaid; and the said commissioner shall make report at least twice in each year, of the amount of donations so as aforesaid made to him, for the purposes aforesaid, and also of the manner in which he has expended the same or any portion thereof; which said report the board doing county business shall cause to be spread at full length on the record books of said board, and the said commissioner shall receive as a compensation in full for his services, such sums as the said board may deem reasonable, not exceeding one dollar and fifty cents per day, to be paid out of the treasury of said county.

SEC. 8. So soon as the public buildings shall be completed at the place designated, the same shall be the permanent seat of justice for Martin county, and all the courts of said county thereafter shall be holden at such new site; and until the completion of the buildings at the said new site, all courts of said county shall be holden in the town of Mount Pleasant in Martin county.

SEC. 9. That the new seat of justice to be located by the provisions of this act shall not be considered as the permanent seat of justice for said county until a sufficient amount of money, lands, and other property shall be donated to erect, free of any expense to the county other than the payment of the per diem expenses of the commissioner appointed to superintend the erection of the public buildings aforesaid, suitable public buildings equal to those now at Mount Pleasant: *Provided nevertheless*, That the people of said county shall never have any tax levied upon their taxable property for the purposes contemplated by this act, except as herein provided for, unless they shall have first an opportunity of giving their assent thereto by an election for that purpose, to be holden under such rules and regulations as the legislature of this State may hereafter designate.

SEC. 10. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana Journal; and the secretary of State is hereby directed to file a certified copy of the same in the clerk's office of Martin county on or before the first day of February, in the year eighteen hundred and forty-five.

CHAPTER XXXIV.

An Act to authorize a settlement with Cornelius Ferree, and for other purposes.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas A. Morris, of the county of Marion, civil engineer, and John Burk of Marion county, be, and they are hereby appointed and authorized to estimate, fix, ascertain and determine the present and prospective value of the water privilege and water power now owned and occupied by Cornelius Ferree, under a lease from the State of Indiana, near the Bluffs of White River, at the feeder dam of the central canal in Morgan county, and when the same shall have been so estimated, ascertained and determined, to make, execute, seal and deliver, a deed of lease, demising and letting the same, at and for the yearly rent and payment to be by the said Thomas A. Morris and John Burk so as aforesaid ascertained, to the said Ferree, his heirs, executors, administrators and assigns, for the same term and time, and subject to the same regulations now provided by law for the leasing of water power upon the said canal.

SEC. 2. It shall be the duty of the said Thomas A. Morris and John Burk, and for that purpose they are hereby fully authorized, to make a full and final settlement between the said State and the said Ferree, of all matters, accounts, charges, claims and deductions now existing and unsettled between the said parties, for and on account of water rents due from said Ferree, and of improvements, repairs, and other matters made by him, taking into consideration the decreased value of said water power under the original estimate thereof, by reason of the non-completion of said canal, and all other matters connected therewith, and such settlement when so made, shall be final and conclusive between said parties.

SEC. 3. It shall further be the duty of the said Morris and Burk, after such settlement shall have been made and complied with on the part of said Ferree, to make, execute, seal and deliver to the said Ferree a conveyance, re-conveying to said Ferree, his heirs and assigns, all the land, premises and appurtenances heretofore conveyed by said Ferree to the State, and upon which the buildings and premises aforesaid are situate, so that said Ferree may have, hold and own the same as fully and completely as he held the same before he conveyed the same to the State of Indiana.

SEC. 4. Upon the execution of the deed of lease, re-letting the said water power, as provided by the first section of this act, the original deed of lease and contract between the State and said Ferree, now existing for the right and use of said power, and all matters

connected therewith, shall be and the same are hereby declared to be cancelled, null and void.

SEC. 5. The whole expense and charge of this re-estimate, and all proceedings under this act, shall be paid by the said Cornelius Ferree.

SEC. 6. This act to be in force from and after its passage.

CHAPTER XXXV.

An Act to revive an act therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "an act to incorporate the Fort Wayne and Laporte clay turnpike company," approved February the 7th, 1835, be, and the same is hereby revived, and to be in full force and effect as the said act was on the passage of the same.

SEC. 2. *Be it further enacted*, That said road shall be commenced within five years, and be completed within twenty years; and that the said corporation shall continue for seventy-five years: *Provided however*, That any one section of said road shall be completed within said time, as the board of directors may deem proper.

SEC. 3. That the following persons are constituted a board of directors for said corporation: John B. Chapman, Jonas Hacker, James Moss, William C. Graves, Ezekiel French, M. F. Davis, George Moon, C. B. Simonson, and Frederick A. Harris, of the county of Kosciusko, Richard Baughn and Richard Collins, of the county of Whitley, three of whom shall form a quorum to transact business until the stockholders shall elect directors from their own body. Their first meeting shall be held in the town of Monoquet, in the county of Kosciusko, on the second Monday of March, A. D. 1845. They shall order the opening of books for the subscription of stock in as many places as they may deem proper, giving at least twenty days' notice thereof.

SEC. 4. That as soon as two thousand dollars shall be subscribed, and five per cent. paid in on said stock, the board of directors shall order an election for officers; ten days' notice having been given to stockholders.

This act to be in force from and after its passage.

CHAPTER XXXVI.

An Act to authorize the County Treasurer of Dekalb county to apply certain State revenue in his hands.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county treasurer of the county of Dekalb, be and he is hereby authorized and required, to set apart out of the revenue collected in said county, for State purposes, for the revenue year 1844-5, the sum of one hundred and ninety-four dollars and twenty-nine cents, and apply and distribute the same in the same manner that the interest derivable from the surplus revenue fund is now by law directed to be applied and distributed.

SEC. 2. In making settlement with the Treasurer of State, as required by law, it shall be the duty of the treasurer of the county aforesaid, to file his certificate with said officer, that so much has been set apart as aforesaid, and the same shall operate as a payment of so much of the State revenue due from said county.

SEC. 3. Upon the filing of the certificate aforesaid with the Treasurer of State, the amount aforesaid, being the interest now owing from the State of Indiana to the county of Dekalb, upon the surplus revenue fund, shall be, by force of the provisions of this act, discharged, and the amount aforesaid, being the interest aforesaid, shall be held and applied by said officer as part of the general revenue.

SEC. 4. Before setting apart the amount aforesaid, as provided in the first section, the county treasurer of said county shall file his bond in the penalty of three hundred dollars, with security, to be approved by the auditor of said county, in the office of the auditor aforesaid, conditioned for the faithful application and distribution of the amount set apart as aforesaid.

SEC. 5. This act shall be in force from and after its passage, and the Secretary of State is hereby required to forward a certified copy of the foregoing act to the auditor of Dekalb county.

CHAPTER XXXVII.

An Act establishing a State road in the counties of Putnam and Clay.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Loyd B. Harris of the county of Putnam, and John Lewis of the county of Clay, be, and they are hereby appointed commissioners to view, mark, and locate a State road as follows: commencing at David Barnett's mill in Putnam county, thence the nearest and best route to Lenox M. Knight's mill on Croy's creek, thence to intersect the county road leading from Pleasant Garden to Bowlinggreen in the county of Clay, thence along said road to James Thomas's ferry on Eel river, to intersect the State road from Rockville to Bowlinggreen.

SEC. 2. The commissioners shall meet at David Barnett's mill in Putnam county, on or before the first day of May next, and proceed to locate said road as is provided in the first section of this act; a statement of which shall be filed in the office of the auditor of each of the counties in which said road shall pass.

SEC. 3. The board doing county business in the counties aforesaid, shall make such allowance to said commissioners for their services aforesaid, as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XXXVIII.

An Act to locate a State road in the counties of Vermillion and Vigo.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George W. Hunter, of the county of Vermillion and Daniel Shurley and Elisha M. Huntington, of the county of Vigo, be, and they are hereby appointed commissioners to view, mark and locate a State road on the nearest and best route from Indiana Furnace, in the county of Vermillion, to Terre Haute, in the county of Vigo.

SEC. 2. That the said commissioners, or a majority of them, shall, on the second Monday in April next, meet at the Indiana Furnace, and after having taken an oath before some person authorized to administer the same, for the faithful performance of their duties as said

commissioners, they shall proceed to view, mark and locate the said road: *Provided*, That should the said commissioners fail to meet on the said second Monday in April, that they may meet on any subsequent day that they, or a majority of them, may appoint.

SEC. 3. That said commissioners in locating said road, shall have power to deviate from a direct line, when better ground can be had, or when the road, if run in a direct line, would materially injure the private property of any citizen.

SEC. 4. That the said commissioners, or a majority of them, when they have completed the location of said road, shall file a report of their proceedings in the auditor's office of each of the said counties of Vigo and Vermillion, who shall lay them before their respective county boards at their next session thereafter, who shall order the same to be opened, any width not exceeding forty feet.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XXXIX.

An Act to locate a State road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Spader of Cass county, and Theophilus Bryan of Richardville county, be, and they are hereby appointed commissioners to view, mark, and locate a State road from Logansport to Kokomo, in Richardville county.

SEC. 2. The said commissioners shall, after taking an oath to faithfully and impartially discharge their duty as such commissioners, proceed, on the first Monday in May next, or some subsequent day, to view and locate said road as follows, to-wit: Commencing at the south end of the Wabash bridge; thence southerly with the Michigan road to a point where a certain county road, leading from little Rock creek to Logansport, intersects said Michigan road; thence in a south-east direction to a large spring; thence to a point at or near the cornering of sections five, six, seven and eight, in township twenty-six north, of range two east; thence in as direct a course as it may be practicable, to said town of Kokomo, having regard to the suitableness of the ground on which to locate said road, and having also due regard to individual rights, so as not materially to increase the distance of said road.

SEC. 3. Said commissioners may, if they deem it necessary, take to their aid a surveyor, marker, and chain carriers, who, together

with said commissioners, shall be paid one dollar and fifty cents each per day for their services, which shall be paid by the counties through which said road runs, in proportion to the distance of said road in each of said counties, to be paid out of the three per cent. fund which has been, or may hereafter be appropriated to said counties.

SEC. 4. It shall be the duty of said commissioners to file in the clerk's office of each county through which said road may run, within thirty days after the location of said road, a complete statement of said survey and location, which shall be recorded by said clerk in the record book of his county.

SEC. 5. The board doing county business may fill any vacancies of said locating commissioners that may occur in their respective counties.

This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act declaring Deer Creek, from its junction with the Ohio River to Shubal C. Little's mill, a public highway, also the West fork of the same stream, from its junction with Deer Creek to Shubal C. Little's mill seat, on the same, all in Perry county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Deer creek, in the county of Perry, from its junction with the Ohio river to Shubal C. Little's mill, be, and is hereby declared a navigable stream; also the west fork of said stream, from its junction with Deer creek, be and is hereby declared a navigable stream, to Shubal C. Little's mill seat on the same, and that hereafter said water courses shall be deemed navigable streams, as above declared, for all lawful purposes.

SEC. 2. This act to be in force from its passage.

CHAPTER XLI.

An Act to incorporate the Milltown Bridge Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act, be and they are hereby constituted a body politic and corporate, by the name and style of the Milltown Bridge Company, and by such name and style shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, either in law or equity, in courts having jurisdiction of the subject matter in controversy; and said company shall have authority to make and establish such by-laws, rules, and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be found necessary to promote the interests and ensure the good government of said company.

SEC. 2. The capital stock of said company, or corporation, shall be one thousand dollars, to be divided into shares of five dollars each.

SEC. 3. That Lidus Tribue, M. Schoonover, Julius Woodford, Samuel Sands, William Proctor, and Zebulon Leavenworth, of the county of Crawford, and Dennis Pennington, Samuel Clark, Martin Mason, Jesse M. Proid, Asa Rosenbarger, and William Henry, of the county of Harrison, be and they are hereby appointed commissioners to said corporation, for the purpose of procuring a suitable book and obtaining subscribers for the stock of said corporation thereon, at such times and in such manner and terms as they or a majority of them shall deem most advisable and for the interest and advancement of the objects of the said corporation.

SEC. 4. That as soon as one hundred shares of said stock shall have been subscribed for, the said commissioners shall give reasonable notice, by manuscript advertisements to be posted up at four of the most public places in each of the counties of Crawford and Harrison, for the stockholders to meet at such time and place as shall be designated in such manuscript advertisements, for the purpose of choosing ——— directors out of said stockholders, and said directors when so chosen shall serve as such ——— year and until their successors are chosen and qualified into office, and a majority of said directors shall constitute a quorum for the transaction of business; and an election for directors shall thereafter be held at such time and place as a majority of said stockholders shall at their first meeting designate and appoint; and the said directors, chosen at the first meeting of said stockholders, as well as each succeeding board of directors, chosen under the provisions of this act, shall, as soon after their se-

lection as practicable, choose and appoint one of their own body as president, and in like manner appoint from their own body a secretary, and such other officers as they may deem necessary for the proper and efficient transaction of the business of said corporation. Should an omission to elect directors at the time and in the manner which may be designated by the provisions of this act, occur at any time, the said corporation shall not for that cause be dissolved; but the directors for the time being shall continue to act until their successors shall be elected or chosen and qualified in such manner as they, the said directors, shall order and direct.

SEC. 5. The said directors may, and they are hereby authorized to demand, from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think reasonable and proper; not, however, exceeding more than one half the amount of such subscription; and if any stockholder shall neglect or refuse to pay the amount required of him as above, for a longer period than ten days after demand made therefor by the person or officer whose duty it may be by the regulations and rules of said corporation to make such demand, the said corporation may, in its corporate name, recover the same by action of debt in any court of competent jurisdiction, together with two per centum thereon over and above legal interest from the date of such demand of payment, and if the amount so recovered cannot be collected on execution or otherwise, by the usual and ordinary course of proceeding at common law, and a return to that effect shall be made by the proper officer, the corporation may declare the stock of such delinquent stockholder forfeited to said corporation, together with whatever amount may have been paid thereon, and the same shall thereafter be vested in and absolutely forfeited to said corporation.

SEC. 6. The capital stock of said corporation authorized to be raised by this act, or so much thereof as may be requisite for that purpose, shall be applied to the erection and completion of a good and substantial bridge across Big Blue river on the abutments and foundation, of the bridge heretofore erected across said river on the New Albany and Jasper State road, and for no other purposes whatever; and whenever said bridge shall be completed, the said corporation may erect a gate at either end thereof and demand and receive such rates of toll for crossing the same as the boards doing county business in the counties of Crawford and Harrison may designate and establish, until the amount of the principal expended by said corporation in the erection of said bridge, together with six per centum per annum thereon, shall be fully repaid to and realized by said corporation, after which the said bridge shall cease to be a toll bridge and forever thereafter be and remain a free bridge to all persons indiscriminately passing and re-passing thereon.

SEC. 7. The several boards doing county business in the counties of Crawford and Harrison shall each appropriate the sum of ——— dollars out of the three per cent. fund of their respective counties, to

be expended under the direction of said corporation, toward assisting in the erection of said bridge.

SEC. 8. After the erection of said bridge and toll gate, if any person shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay to said corporation treble the amount of the damage done, with costs of suit, to be recovered by said corporation by an action of debt in any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass or after having passed shall refuse to pay the legal toll, he shall forfeit and pay to said corporation five times the amount of the legal toll for such passage across said bridge, to be recovered in like manner as provided for in the last section of this act with cost of suit.

SEC. 10. If any toll collector and receiver shall unreasonably delay or hinder any passenger at the said gate, in his, her, or their passage across said bridge, or shall receive or demand more than the legal toll, he or she, for every such offence, shall forfeit and pay to the person or persons thus imposed upon the sum of five dollars, to be recovered before any justice of the peace having jurisdiction of the same.

SEC. 11. It shall be the duty of said corporation, if requested by a majority of the stockholders, to cause a full statement of the affairs of the corporation to be made and exhibited to said stockholders at each and every election for directors, or at any other general meeting of said stockholders.

SEC. 12. The commissioners in the first case, and the president and directors in the second place appointed and authorized to be appointed by this act, shall be authorized to fill all vacancies that may happen in their respective bodies, and each body may sit on their own adjournments or on the call of the president, and in the absence of the president may appoint one of their own body president *pro tem*.

SEC. 13. In all elections for directors, each stockholder shall be entitled and authorized to vote in person or by proxy under such regulations as may be prescribed by the by-laws of said corporation.

SEC. 14. The boards doing county business in the counties of Crawford and Harrison shall be authorized, and it is hereby made the duty of said county boards, respectively, to determine upon and designate what description of persons, in their respective counties, shall be permitted to cross said bridge free of toll: *Provided however*, That the boards doing county business in the said counties of Harrison and Crawford shall at their next March term, decide whether they will or will not appropriate the aforesaid sums of two hundred and fifty dollars each in aid of the construction of said bridge.

SEC. 15. This act shall be in force from and after its passage.

CHAPTER XLII.

An Act to locate a State road in the counties of Randolph and Delaware.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Addington and Peter S. Miller of the county of Randolph, and Philip Lewellen of the county of Delaware, or any two of them, shall be commissioners to locate a State road from the State road leading from Winchester, Randolph county, to Camden in Jay county, where said road crosses the boundary line of the districts of land subject to sale at Fort Wayne and Cincinnati, thence west on said district line to intersect a State road leading from Muncietown to Granville in Delaware county.

SEC. 2. Said commissioners, or any two of them, shall meet at a place to be by them agreed upon, and at a time to be by them fixed, and after being duly qualified, shall proceed to lay out, mark, and locate said road, and make return thereof to the board doing county business in the several counties of Randolph and Delaware, on or before the first day of January, 1846.

SEC. 3. The county boards in the counties of Randolph and Delaware, are hereby authorized, and it is hereby made their duty, to pay or defray the expenses of locating said road, in proportion to the length said road may run in each of the aforesaid counties.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act for the incorporation of the Philadelphia Industrial Association, of St. Joseph county, Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William McCartney, George G. Carpenter, Elisha Egbert, Thomas McCartney, Daniel Hoover, William C. Talcott, and their associates, be, and they are hereby constituted a body corporate and politic, with all the powers and privileges of other corporate bodies, under the name and style of the Philadelphia Industri-

al Association, of St. Joseph county, Indiana, and in that manner shall be able to sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 2. That the officers of the association shall be a president, clerk, and six counsellors, who, together shall form a council, for the management of the affairs of the association.

SEC. 3. That the members of this association shall meet at the court house at South Bend, in St. Joseph county, on the first Wednesday in March, A. D. 1845, or at some subsequent time, to suit the convenience of the association, and elect their officers, and draft a constitution and by-laws, not inconsistent with the constitution and laws of the United States, or the State of Indiana; to enable them to carry into effect the objects of the association.

SEC. 4. That the above named association shall be authorized to hold stock to the amount of five hundred thousand dollars, to be transferable by any of the stockholders at pleasure, by assignment of certificates of stock: *Provided*, That no certificate of stock shall be issued for a less sum than fifty dollars; and no assignment of stock shall release the holders of said stock from the full payment of debts contracted whilst they held such stock, and should the officers of said association contract debts to a greater amount than that of stock actually paid in, they, as well as the stockholders, shall be individually liable for such excess of indebtedness above the stock paid in.

SEC. 5. That said association shall be authorized to use any portion of the water of the St. Joseph river on its west side, by the construction either of a wing dam or a dam with a suitable lock, so as not to obstruct the navigation of the river, at any point between the south line of fractional section 35, town 38, north range 2 east, and the west line of fractional section 26, in the town and range named, for manufacturing purposes of any description that may be desirable to the association.

SEC. 6. This charter shall run for thirty years, and take effect and be in force from and after its passage.

SEC. 7. The legislature hereby reserves to itself the right at any time, to alter, amend, or repeal this charter.

CHAPTER XLIV.

An Act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the respective duty of the commissioners of the reserved townships in Gibson and Monroe, and the commissioners for the sale of saline lands, when full payment has been made by the purchaser or purchasers of any tract or tracts of land, to give to such purchaser or purchasers, two certificates for each of said tracts, specifying the name of the original purchaser, the name of the present owner, the amount paid for principal and interest respectively, and a description of the tract of land, as the same appears on their sale books. Said certificates shall be kept in numerical order, and the Auditor of public accounts shall furnish to each of said officers, such a form for said certificates, as the act requires, with such additions as may be deemed necessary.

SEC. 2. Upon presentation of said certificates to the Auditor of State, it shall be his duty to compare the same with the books of his office relating to the sales of said lands, and if found correct, he shall file one copy in his office, and the other shall be by him countersigned and handed to the Secretary of State.

SEC. 3. Upon the filing of the countersigned certificate in the office of the Secretary of State, it shall be the duty of that officer, without any fee therefor, to prepare a patent for said tract of land, to be signed by the Governor, and attested by said Secretary of State.

SEC. 4. The said Secretary of State shall prepare a proper register, in which shall be kept a list of all patents so issued, specifying the date of the patent, name of original purchaser, name of patentee, the particular tract of land so patented, and the amount paid for principal and interest respectively.

SEC. 5. This act shall take effect and be in force from and after the first day of January next; and the Secretary of State shall forward a certified copy thereof to each of said commissioners.

SEC. 6. The recorders of the counties of Monroe, Gibson, Brown, Orange and Washington, are hereby authorized and required, on presentation, to record all such deeds among the records of their respective offices, for the fee allowed by law, which records, and transcripts thereof, shall have the same effect as in other cases.

CHAPTER XLV.

An Act for the relief of Milton Stapp.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time for the payment of five several notes, amounting to twenty-seven thousand one hundred and seventy-five dollars and seventy-two cents, made by Milton Stapp and others, his securities, dated the twelfth day of June, 1843, and payable to the State of Indiana, be, and the same is hereby extended five years from this date, the same to bear interest from the date of said notes. And that the said Milton Stapp and his securities be allowed to pay the same at any time within the said five years, in the bonds of the State, which may be justly owing by the State, whether the same be due or not due: *Provided*, That this act shall have no effect whatever, until the securities of said Stapp on said notes, shall assent to this extension and relief, in such manner as will still hold them bound for the payment of said notes, or until other acceptable security shall be given to the State, to be approved of by the agent thereof: *Provided further*, That all securities said Stapp may be in possession of, or has received, as well as all claims he may still hold, or may be held for his benefit, in lieu of the amount lost by the Savings Institution, shall be transferred to the State.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLVI.

An Act to locate a State road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Long of Richardville county, and J. B. Stibbins of Grant county, be, and they are hereby appointed commissioners to view, mark, and locate a State road from Burlington, Carroll county, by the way of Kokomo in Richardville county, to Marion, in Grant county.

SEC. 2. The said commissioners shall, after taking an oath, faithfully and impartially to discharge their duty as such commissioners, proceed, on the first Monday in May next, or on some subsequent day, to view and locate said road, on the nearest and best route be-

tween the aforesaid points, having due regard to individual rights, so as not materially to increase the distance of said road.

SEC. 3. Said commissioners may, if they deem it necessary, take to their aid a surveyor, marker and chain carriers, who, together with said commissioners, shall be paid for their services one dollar and fifty cents per day each, which shall be paid by the counties through which said road may run, in proportion to the distance of said road in each of said counties, to be paid out of the three per cent. fund which has been, or may hereafter be, appropriated to said counties.

SEC. 4. It shall be the duty of said commissioners to file in the clerk's office of each county through which said road may run, within thirty days after the location of said road, a complete statement of said survey and location, which shall be recorded by the clerk of the county in the record book of the county.

SEC. 5. The board doing county business, shall have power to fill vacancies that may occur in their respective counties in the offices above provided for.

This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act for the relief of Robert Harbison, of Monroe county, Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of the seminary township of lands in Monroe county, be, and he is hereby authorized and directed to make a final certificate in due form of law, to the said Robert Harbison, for the east half of the south-east quarter of section No. 10, (ten,) in township No. 8 (eight) north, of range No. 1 (one) west, in the reserved township of lands in said county, when the said Harbison shall make satisfactory proof that he has made final and full payment for such lands, to any former commissioners of said State for said township of lands.

SEC. 2. That upon such proof being made, the present commissioner shall thereupon charge the amount as paid to the former commissioner, and proceed to the collection thereof from him and his securities.

This act to be in force from and after its publication.

CHAPTER XLVIII.

An Act to locate a State road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Eli Rigdon of Blackford county, Robert Griffin of Grant county, Esquire Owens of Delaware county, be, and they are hereby appointed commissioners, to view, mark, and locate a State road, commencing at John Henley's mill in Delaware county, at the Greenville State road, thence north on a county road through Elizabeth town, to the county line dividing Delaware and Grant counties, to a half mile stake on the northern boundary of section twelve, bearing east through the south east corner of Grant county, to the south west corner of John Jennings's land, between said Jennings and David Murcier, thence north on the line dividing said Jennings and said Murcier, in Blackford county: thence on the nearest and best ground to the half mile stake on the east side of section thirty, township twenty-three, range ten; thence on the county road, as near as practicable, to the west end of Washington street in the town of Hartford in Blackford county.

SEC. 2. The said commissioners shall meet at the house of John Henley, in the said county of Delaware on the first Monday of July next, or on any other day that they may agree upon, and after taking an oath or affirmation, faithfully and impartially to discharge the duties assigned them in the first section of this act, they shall proceed to view, mark, and locate said road agreeably to the points and courses designated and mentioned in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, make report to the county auditors of the said counties of Blackford, Grant, and Delaware, of so much of said road as may be located within the respective counties of said auditors, which report the said auditors shall severally lay before their respective county boards at their next sessions thereof thereafter, and said county boards shall severally cause the said reports, when made as aforesaid, to be recorded, and order said road to be opened.

SEC. 4. The said boards doing county business in the said several counties, through which said road shall be located, shall make said commissioners such compensation as shall be just and reasonable, each county through which said road may run paying an equal portion of the expenses thereof.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XLIX.

An Act for the relief of Abigail C. Hovey and Lorenzo D. Hovey of Carroll county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the law now in force in this State, providing that the guardians of minors, shall have the custody and control of the persons as well as the estates of the said minors, be, and the same are hereby repealed so far as is specified in the succeeding sections of this act.

SEC. 2. That the said Abigail C. Hovey and her husband Lorenzo D. Hovey, shall from and after the passage of this act, be entitled to, and have the entire and exclusive custody and control of the person of Caroline M. Morris, infant daughter of the said Abigail C. Hovey, until the said infant daughter shall arrive to the age of fourteen years, at which time she shall have the right to choose her own guardian: *Provided,* That it shall not be lawful for the said Lorenzo D. Hovey and Abigail C. Hovey, to receive any compensation or reward for the support and maintenance of the said Caroline M. Morris, but that they shall support and educate her free of all expense, so far as the estate of the said minor is concerned, until she shall arrive of age.

SEC. 3. That it shall be lawful for the said Abigail C. Hovey and Lorenzo D. Hovey for the purpose of obtaining the possession and control of the said minor Caroline M. Morris, to sue out their writ of *habeas corpus* according to law; and it is hereby made the duty of the judge or court, to whom application may be made for the said writ, to issue the same and proceed to, and adjudge the same as though this act were a general law, and to award to the said Abigail C. Hovey the possession and control of the said child Caroline M. Morris, and to carry such order into complete effect, by the ordinary process of law in such cases: *Provided,* Security be given to the satisfaction of the proper probate court, that said child shall be clothed and educated and reared in a becoming manner.

SEC. 4. That it shall not be lawful for the said Abigail C. Hovey and her husband Lorenzo D. Hovey, to have the control and management of the estate of the said minor, Caroline M. Morris, but that the same shall be managed and controlled by the present guardian, Austin W. Morris, until he shall be removed from office, by due process of law, or until the said minor, Caroline M. Morris, choose some other to be her guardian, after she shall arrive to the age of fourteen years.

SEC. 5. That the proper probate court be authorized to restore the said Caroline to her guardian, whenever it shall be made to ap-

pear that the said Lorenzo D. Hovey and wife, have utterly failed to comply with the provisions of this act.

SEC. 6. This act shall be in force from and after its passage and approval by the Governor.

CHAPTER L.

An Act to authorize Abraham J. Hostetler to sell and convey real estate.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It has been represented to this General Assembly by the petition of Abraham J. Hostetler, Christian Leatherman and others, heirs and guardian of the minor heirs of Jonathan Hostetler, late of Lawrence county, deceased, that it would advance the interests of said heirs if certain real estate therein mentioned should be sold, and the avails vested in other property: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abraham J. Hostetler, of the county of Lawrence, be, and he is hereby appointed a commissioner, authorized to sell and convey in fee simple the following described tract of land, situate in Morgan county, and being of the real estate whereof Jonathan Hostetler, late of Lawrence county, died seized, namely: the east half of the north-west quarter, of section No. twenty-six, in township No. eleven north, of range No. two east, containing eighty acres.

SEC. 2. It shall be the duty of the said commissioner, before making such sale and conveyance, to execute and file in the clerk's office of the probate court of said Morgan county, his bond, with two sufficient securities, to be approved by the judge of probate of said county, who shall endorse his approval thereon, in the penal sum of five thousand dollars, conditioned that the said Abraham J. Hostetler shall well and faithfully perform and execute the trust with which he is hereby charged, and make a fair and equal distribution of the proceeds of such sale, between the heirs of age and the guardian of the minor heirs of said Jonathan Hostetler, deceased, without delay.

SEC. 3. This act shall be in force and have effect from and after its passage.

CHAPTER LI.

An Act to locate a State road from Peru to Canton, and also to locate a State road from Kokomo, in Richardville county, to Frankfort, in Clinton county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Molder of Clinton county, and George W. Snodgrass of Richardville county, be and they are hereby appointed commissioners to locate and mark a State road as follows, to-wit: commencing at Peru, in Miami county, thence to Kokomo in Richardville county, and thence to Canton in Tipton county.

SEC. 2. That George W. Snodgrass, and David Foster of Richardville county, be and they are hereby appointed commissioners to locate and mark a State road, as follows, to-wit: commencing at Kokomo in Richardville county, thence to Michigantown on the Michigan road, intersecting a State road leading from Michigantown to Frankfort.

SEC. 3. Said commissioners shall meet at Kokomo, in said county of Richardville, on the second Monday in March next, or upon some subsequent day by them to be agreed upon, and they shall be governed, in all respects, in the discharge of their duties, by the laws now in force in relation to the marking off and locating State roads.

SEC. 4. The county commissioner of Clinton and Richardville counties, are hereby authorized to allow to the said commissioners a reasonable compensation for their services in locating and laying off said State roads before mentioned herein, in the first and second sections of this act.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LII.

An Act to improve the navigation of Lost River.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the counties of Orange and Martin, at their March term, an-

nually, to appoint a commissioner in each of the counties aforesaid, whose duty it shall be to superintend the improvement of the navigation of so much of Lost river as lies within said counties, from Jacob Shirley's mill, to where said river discharges itself into White river.

SEC. 2. The commissioners aforesaid, after receiving their appointments, shall proceed to take charge of the improvement of the navigation of so much of Lost river as lies below Jacob Shirley's mill in Orange and Martin counties.

SEC. 3. Said commissioners are hereby authorized and required to call out all the hands residing within one mile and a half of said Lost river, subject to work on public roads and highways, two days in each year, to perform such labor as may be required of them by said commissioners, for the removing any obstructions from the navigation of Lost river: *Provided, however,* That the commissioners aforesaid, shall not destroy nor injure any mill or mill dam now erected, or that may hereafter be erected across said Lost river, provided such owners or occupiers of such mill or mills, shall construct suitable locks or slopes in such dams aforesaid, for the free navigation of said Lost river.

SEC. 4. All such hands as are required by this act to perform labor on said river, shall be exempt from performing work on public roads and highways.

SEC. 5. It shall be the duty of the county boards of the counties aforesaid, to make such allowances to said commissioners as they may think just and proper, as a compensation for their services.

SEC. 6. The commissioners appointed under the provisions of this act, shall annually make out and file in the clerk's office, in each of the aforesaid counties of Orange and Martin, the amount and manner of work performed, and improvements made, on the navigation of said river.

SEC. 7. In any and all cases not herein provided for, said commissioners shall be governed by the laws now in force governing supervisors of public roads and highways.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An Act to locate a State road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That David E. Long and Nathan Chapman, of the county of Whitley, and R. Willan, of the county of Kosciusko, be, and they are hereby appointed commissioners to mark and locate a State road as follows, to-wit: Commencing at the west end of Van Buren street in the town of Columbia, in said county of Whitley, and terminating in the Huntington and Goshen State road, in the county of Kosciusko, of the courses and distances as follows: Commencing at said point, and running to station one, bearing north fifty-two degrees and thirty minutes west, three hundred and twenty chains; thence to station two, bearing west two chains and eleven links; thence to station three, north forty-eight degrees and thirty minutes west, one hundred and ninety-three chains and fifty links; thence to station four, north eighty degrees west, thirty-one chains and seventy links; thence to station five, north fifty-two degrees and thirty minutes west, two hundred and ninety chains; thence to station six, north forty-five [degrees] west, seventy-two chains and seventy-five links; thence to station seven, north sixty degrees west, thirteen chains and fifty links; thence to station eight, north eighty-nine degrees and thirty minutes west, eleven chains and seventy-five links; and to terminate north seventy-three degrees west, fifty-eight chains.

SEC. 2. The commissioners shall meet at the house of David E. Long aforesaid, on the first Monday of March next, or as soon thereafter as may be practicable, and proceed to discharge their duty according to the provisions of the first section of this act.

SEC. 3. The said commissioners shall file in the auditor's office of their respective counties, a report of their doings in the premises; and the board of commissioners of said counties of Kosciusko and Whitley, are hereby authorized to make such allowance to the commissioners appointed under this act as to them may seem just and reasonable: *Provided however,* That each county shall pay her own commissioners.

SEC. 4. Nothing in this act shall be taken or construed to prevent said commissioners from continuing said road from the place mentioned in the last part of the first section of this act, on to the town of Oswego, in the county of Kosciusko, upon the nearest and best ground with the least expense, as a majority of said commissioners may direct.

SEC. 5. Said commissioners are hereby authorized to employ all the necessary means to carry this act into effect, to be paid in the same manner as is provided in the third section of this act. This act to be in force from and after its passage.

CHAPTER LIV.

An Act to legalize certain proceedings in the Probate Court of Carroll county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, Zadock Ragan, who was a resident of Cass county, departed this life in said county, leaving a last will and testament, in which Benjamin J. Ragan was made executor of said last will and testament, to whom letters testamentary were afterwards issued from the probate court of Carroll county, in which court said last will and testament was proven and admitted to record, and who was afterwards qualified according to law as such executor, in said probate court of Carroll county, and proceeded under the orders and directions of said court, to settle up said estate in said court: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of the acts and proceedings of the said Benjamin J. Ragan as executor of said last will and testament, and all sales whatever of real and personal property, and all conveyances of real estate, be, and they are hereby legalized and made valid and effectual in every respect: *Provided*, That this act shall not be so construed as to legalize any error or illegality in the proceedings of said executor, except such as exist, or may exist, on account of the proof and admission to record of said last will and testament, and the issuing of letters testamentary, and the qualifying of said executor, and the transacting said business in a different county from the one in which said testator died.

SEC. 2. That the said executor, Benjamin J. Ragan, be, and he is hereby authorized to proceed with the settlement of said estate, before the said probate court of Carroll county; and all sales and conveyances, and every other act whatever that may be done by him as such executor, in relation to said estate, shall be as binding and valid in every respect as if the same had been done before the probate court of Cass county.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LV.

An Act providing for the locating of a State road in the counties of Randolph and Jay.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Andrew Devass and Philip Barger of Randolph county, and William Ritchason of Jay county, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at the centre of the west side of section ten, township nineteen, range twelve, in Randolph county; thence to the town of Windsor, in said county, from Windsor due north to the north east corner of section five, township twenty north, of range twelve, from thence north on the nearest and best route to the town of Fairview in Randolph county; from thence to Camden in Jay county.

SEC. 2. That the said commissioners, or any two of them, shall meet at the town of Camden, in Jay county, on some day agreed upon by them, between the first and fifteenth of June, A. D. eighteen hundred and forty-five, and, after being duly qualified, shall proceed to lay out, mark, and locate said road, and make return thereof to the board doing county business in the several counties of Randolph and Jay, on or before the first day of January eighteen hundred and forty-six.

SEC. 3. The county boards in the counties of Randolph and Jay, are hereby authorized, and it is hereby made their duty, to pay or defray the expenses of locating said road, in proportion to the length said road may run in each of the aforesaid counties.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER LVI.

An Act to locate a State road in the counties of Allen and Noble.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Amos F. Coon of Allen county, Jacob Kramer and Thomas Weeks of Noble county, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing where the south line of section number eighteen, in township thirty-

two, of range twelve east, crosses the road from Lima to Fort Wayne; thence the nearest and best route to at, or near the south west corner of section thirty-one, town thirty-three, of range eleven in Noble county; thence the nearest and best route to Fort Mitchell in Noble county.

SEC. 2. That the commissioners, or a majority of them above named, shall meet at some convenient place near the commencement of said State road, at a time agreed upon by themselves, and take an oath faithfully to discharge the duties required by this act, before some person legally authorized to administer the same.

SEC. 3. And when the commissioners shall have discharged the duties required by this act, they shall report the same to the boards doing county business in their respective counties, at the first meeting of said boards after said review; who shall allow said commissioners a reasonable compensation for their services; the said boards shall order the report of the commissioners of said road to be recorded in the book kept for that purpose, and for the recording of their proceedings; and after recording the same as a State road shall cause the same to be opened and kept in repair, as other State roads in said counties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act to authorize the Board of Commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river at the town of Columbus in said county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Bartholomew county be and they are hereby authorized to erect a bridge across the Driftwood fork of White river, at Columbus, at and upon such site where any public road crosses said river from said town, as said board shall deem most suitable.

SEC. 2. To enable said board to erect said bridge, and to reimburse the cost thereof, and keep the same in repair, it shall be lawful for said board to affix and collect such rates of tolls thereon, not exceeding the present rates of ferriage across said river at said town, as said board may deem advisable, until the principal and interest of the cost of the same be fully reimbursed, and afterwards such tolls

only as will keep said bridge in repair: *Provided*, That nothing in this act contained shall be construed to authorize said board to levy any tax for the purposes in said act mentioned.

SEC. 3. *Be it further enacted*, That said board be further authorized to cause the auditor of said county to open books for private subscription of money to aid in the construction of said bridge, and such sums as may be subscribed, when paid, shall be credited on said books by said auditor, and shall be reimbursed to the subscriber thereof with interest out of the tolls received annually, in such proportion as the same so paid shall be to the whole cost of the said bridge, as said tolls may accrue.

SEC. 4. Said board shall have power to lease or rent said bridge out to individuals or companies from year to year, or for a term of years, as may seem to said board best.

SEC. 5. Said bridge shall be raised sufficiently high so as not to obstruct the navigation of said river in descending the same with flat boats.

SEC. 6. This act is hereby declared a public act, and shall be in force from and after its passage.

CHAPTER LVIII.

An Act to locate a State road therein named, and for other purposes.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Cyrus Vigus and Nathaniel Williams, of Cass county, be, and they are hereby appointed commissioners to view, mark and locate a State road from Daniel Deal's, in White county, to intersect the Michigan road at or near the eight mile post, north of Logansport, in Cass county.

SEC. 2. The said commissioners shall, after taking an oath to discharge their duty as such commissioners, faithfully and impartially, proceed, on the third Monday in May next, or some subsequent day, to view and locate said road, on the nearest and best route between the aforesaid points, having due regard to individual rights, so as not materially to increase the distance of said road.

SEC. 3. Said commissioners may, if they deem it necessary, take to their aid a surveyor, marker, and chain carrier, who, together with said commissioners, shall be allowed for their services one dollar and fifty cents each per day, to be paid by the counties through which said road may run, in proportion to the distance of said road in each of said counties, which payments shall be made out of the

three per cent. fund that has been, or may hereafter be, appropriated to said counties.

SEC. 4. It shall be the duty of said commissioners to file in the clerk's office of each county through which said road may run, within thirty days after the location of said road, a complete statement of said survey and location, which shall be recorded by the clerk of the circuit court of said county, in the record book of the county.

SEC. 5. The board doing county business in the county of Cass, shall have power to fill any vacancy occasioned by a failure of either of the above named commissioners to act.

SEC. 6. That an act approved February 17th, 1838, entitled "an act to locate a State road therein named," and the thirty-sixth section of an act approved February 18th, 1839, entitled "an act to establish certain State roads therein named, and for other purposes," be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER LIX.

An Act to incorporate the Union Literary Society, of South Hanover College.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Y. Allison, Edward S. Bailey, Henry Beart, James Cooper, and all other persons, who now are, or may hereafter become members of the Union Literary Society, of South Hanover college, in pursuance of the constitution thereof, as now established, or as it may hereafter be altered or amended, shall be, and hereby are, constituted and appointed a body corporate and politic in law, by the name of the Union Literary Society, of South Hanover college, for the cultivation of science, literature, and the arts, and for no other purpose whatever.

SEC. 2. The said society, by the name aforesaid, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all courts whatever.

SEC. 3. The said society, by the name aforesaid, shall have a common seal, and may change the same at their pleasure, they shall have full power to adopt a constitution, and to enact such by-laws and regulations as may be necessary for the management and control of said society, and to alter and amend the same at pleasure.

SEC. 4. The said society shall elect three trustees, who shall hold

office until their successors are elected, according to the rules of said society, who shall be known as the trustees of said Union Literary Society, which said trustees, by the name and style aforesaid, shall be capable of taking, receiving, and holding by gift or purchase, for said Union Literary Society, any books, papers, maps, apparatus, paintings, or other material or collection whatever, for the advancement of science, literature, and the arts.

SEC. 5. The funds of said society, shall be managed and controlled as said society may direct.

SEC. 6. This act to be in force from and after its passage.

CHAPTER LX.

An Act to abolish the office of County Auditor in the county of Tipton.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of county auditor, be, and the same is hereby abolished, in the county of Tipton.

SEC. 2. The duties heretofore required to be performed by the county auditor of the county of Tipton, shall in all things be performed and exercised by the clerk of said county, in the same manner, and subject to the same liabilities, and invested with the same powers, that by law now is required of and bestowed upon the county auditor.

SEC. 3. It shall be the duty of the above named clerk, to give an additional bond, to be approved of by the county board of the said county, conditioned, for his faithful performance, as is required by law.

SEC. 4. It shall be the duty of the board doing county business, to allow their clerk any sum not exceeding one hundred and fifty dollars, for the services required of him by the provisions of this act.

SEC. 5. All laws and parts of laws, which allow the auditors twelve and one half cents, for the transfer of deeds, be, and the same is hereby repealed, so far as the county of Tipton is concerned.

SEC. 6. This act to take effect and be in force from and after its passage, and all acts and parts of acts, controvening the provisions of this act, are hereby repealed.

CHAPTER LXI.

An Act to incorporate the Lagrange Phalanx.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That W. S. Prentiss and Benjamin Harvey Ompstead, and others, their associates, be and they are hereby declared and constituted a body corporate and politic, by the name of the Lagrange Phalanx.

SEC. 2. The said corporation shall have power to take, hold, and possess real and personal property for the objects of agriculture, trade, commerce, manufactures, and education, and may use and dispose of such property as joint stock for exhibiting and carrying out the principles of associated communities, according to the system taught by Charles Fourier.

SEC. 3. Said corporation shall have power to determine the manner in which stock shall be subscribed, whether of real or personal estate, how to be paid, delivered or conveyed, the manner in which the same shall be employed, transferred, and assigned, and how the profits arising therefrom, and from labor, shall be applied and distributed; but nothing herein contained shall authorize any disposition or application of profits arising from stock or labor which shall operate unequally on the members of said corporation, or defeat or contravene the terms and conditions on which such stock was granted, conveyed, or subscribed, or the trusts on which any property may be held by such corporation, for the uses and purposes for which said corporation is established; and in case of the death of any stockholder, his or her stock shall vest in his or her heirs, devisees, or legatees in like manner and on the same terms and conditions, in the like right, and for the same uses and purposes, that such stock was subscribed by and vested in such stockholder, or held by such corporation; and members may be admitted to such corporation who contribute to the objects and purposes thereof by their labor only.

SEC. 4. The persons named in the first section of this act, and others having heretofore associated themselves together, for the objects in this act named, and having subscribed stock and vested property in trustees for such objects; therefore, *Be it further enacted*, That the property and stock of each person thus vested, shall vest and become stock in said corporation for the same uses, purposes, and objects, upon any such person giving his assent thereto in writing to said corporation, and thereupon the property and stock of each such person thus assenting, shall be deemed and taken as property and stock in said corporation, subject to the trusts, uses, and objects specified in the grant and transfer thereof, heretofore made by each person, and the same, and the profits thereof, shall be used,

applied, and disposed of as if the same had been subscribed as stock, and delivered and transferred after the organization of said corporation.

SEC. 5. Whenever a dissolution of said corporation shall take place, or shall be determined upon, the property constituting the stock thereof, or held by said corporation, after the payment of all just debts and demands against said corporation, shall be distributed to each stockholder, according to his stock and interest in the property of said corporation; and whenever the same shall be practicable each stockholder shall be restored to the property which he subscribed and delivered or transferred as stock in said corporation, or to such part thereof as he can and ought to be restored to.

SEC. 6. Said corporation shall have no power to control or direct any member of the corporation in his or her religious faith or practice, and no religious test shall be required as a qualification for membership or office in said corporation.

SEC. 7. This act shall be deemed and taken to be a public act, and shall be in force from and after the first day of June, A. D. one thousand eight hundred and forty-five.

SEC. 8. The General Assembly reserve the right to alter or amend this act at pleasure.

CHAPTER LXII.

An Act to establish a State road in the counties of Tippecanoe and Warren.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James W. Lamme be, and he is hereby appointed a commissioner to view, mark and locate a State road, commencing at a suitable point on the Lafayette and Crawfordsville turnpike road, in the county of Tippecanoe; from thence on or near the county road to P. Foresman's mills on the Wea; from thence a north-westerly course with said county road, to the township line dividing town twenty-two and twenty-three; thence west with the said township line to the Wabash river at or near Curen's ford; from said ford down said river on the west side, to some suitable point; thence westward on the most suitable route to Mr. Talbut's saw mill; from thence west on the most advantageous route to intersect the Chicago road at Thomas McGahe's lane in the county of Warren.

SEC. 2. The said commissioner, on the twentieth day of May or some subsequent day, after taking an oath faithfully and impartially

to discharge the duties assigned by this act, shall proceed to view, mark, and locate the aforesaid road, and shall, within thirty days after said location of the same, file a report of his proceedings in the auditor's office of those counties in which said road is located; which report shall be recorded in the record books of the boards doing county business in said counties: *Provided*, That said commissioner shall employ surveyors, chain carriers, and such other assistance as may be necessary for the location of said road, who shall receive for their services as the board doing county business shall deem just and reasonable.

SEC. 3. That said road shall not exceed sixty feet nor [be] less than fifty feet in width; and when said return is recorded, such width shall remain unchanged.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER LXIII.

An Act changing the mode of doing county business in the county of Brown.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the business of the county of Brown shall hereafter be done by three commissioners, instead of a board of justices.

SEC. 2. It shall be the duty of the present board doing county business, at their June term, 1845, to lay off and district said county into three commissioner's districts; (numbered one, two and three,) said districts to be as near equal as may be, considering the territory and population, and in each of which, one of said commissioners shall reside.

SEC. 3. Said commissioners shall consist of three qualified electors, any two of whom shall be competent to do business; to be elected by the qualified electors of the county, on the first Monday in August next, as general elections are held: *Provided however*, In voting for commissioners the tickets shall always show which is voted for, for the first, second and third districts; and should there be two or more candidates in any one district, the person having the highest number of votes shall be elected for such district.

SEC. 4. At the first election in pursuance to this act, the person having the highest number of votes shall serve three years, the person having the next highest number of votes shall serve two years, and the person having the next highest number of votes shall serve

one year; and thereafter annually one commissioner shall be elected, who shall serve three years; and each commissioner elected according to the provisions of this act, shall continue in office until his successor is elected and qualified. But if two or more persons shall have an equal number of votes as above, their grade shall be determined by lot by the clerk, in the presence and under the direction of the returning officers.

SEC. 5. All contracts made by such board of justices, previous to the taking effect of this act, shall remain valid in law and equity; and suit may thereupon be brought in the same way and manner as the same might have been, had this act not been passed, with this difference, that the corporate name of the board of commissioners shall be used, instead of the name of the board of justices.

SEC. 6. The board of commissioners when organized, shall receive for their services the sum of one dollar and fifty cents each per day, for every day they are necessarily engaged in the business of the county; and said board shall be governed by the general laws of this State not provided for in this act.

SEC. 7. This act to take effect and be in force from and after the first day of August next.

CHAPTER LXIV.

An Act for the extension of a State road in Laporte county to Winamac, in Pulaski county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John T. Vail and Benjamin Crumpacker of Laporte county, and Andrew Keys of Pulaski county, be, and they are hereby appointed commissioners, to view, mark, and locate a State road, commencing at Laporte in Laporte county, thence by the way of Vail's mill, in Union township, in Laporte county, to Winamac in Pulaski county; said road to be located on as straight a line as the nature of the ground will admit of.

SEC. 2. That the said commissioners, or a majority of them, shall meet at some convenient place, near the commencement of said State road, at a time to be agreed upon by said commissioners, and take an oath before some competent authority, faithfully and diligently to discharge the duties required by this act.

SEC. 3. That when the commissioners shall have discharged the duties required by this act, they shall report the same to the board doing county business in their respective counties, who shall allow

said commissioners a reasonable compensation for their services, and the said boards, aforesaid, shall order the report of the commissioners of said road to be recorded in their book for such purposes, and after recording the same as a State road, shall cause the same to be opened and kept in repair as other State roads in such counties.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXV.

An Act to change a certain State road therein named, in the county of Elkhart.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel P. Judson, James Brown, and Henry Warren of Elkhart county, be, and they are hereby appointed commissioners, to view, mark, and re-locate a proposed change in the State road running through Bristol and Middlebury in said county, and between those two points.

SEC. 2. Said commissioners, so appointed, or a majority of them, first having taken an oath or affirmation, faithfully and impartially to discharge the duties assigned them; shall meet at such time as they may determine upon, and proceed to view, mark, and re-locate said State road, between Bristol and Middlebury, in Elkhart county, as will be of the greatest utility to the public, not increasing the distance more than the way through which the road now runs; and shall make report to the board doing county business, at their first session thereafter, according to the law now in force on such subjects, and the board shall thereupon, cause the same to be spread of record in the record of roads in said county.

SEC. 3. That the board doing county business in said county, shall, so soon as it shall be made to appear to them, that the new way is opened to the proper width, and is in as good and passable condition as the old way, cause the old way to be vacated.

SEC. 4. That the said commissioners be allowed out of the proper county treasury, the sum of seventy-five cents per day each, for each and every day they may be necessarily engaged in performing their duties, to be paid on the order of the board doing county business.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LXVI.

An Act to amend an act entitled an act to incorporate the Porter county Manufacturing Company, approved January 13, 1844.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the twenty-first section of an act entitled an act to incorporate the Porter county Manufacturing Company, approved the thirteenth of January 1844, be and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That the said act of incorporation shall be in force for and during the term of seventy-five years.

CHAPTER LXVII.

An Act to repeal a portion of an act entitled "An act declaring Patoka a public highway, and for other purposes," so far as relates to the county of Pike.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of the above named act after the first section, so far as it relates to the county of Pike, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

An act to vacate a certain Alley in the town of West Logan, and for other purposes.

[APPROVED DECEMBER 17, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley between lots one hundred and thirty-four,

one hundred and thirty-five, and one hundred and thirty-six, on one side; and lots one hundred and forty, one hundred and forty-one, and one hundred and forty-two, on the other side, as designated on the plat of said town, measuring one hundred and nineteen feet in length, be and the same is hereby vacated.

SEC. 2. *And be it further enacted*, That the proprietors of the town of West Logan, be, and they are hereby authorized to enclose, and cultivate the streets and alleys in the said town of West Logan, lying and being within the following limits, to-wit: All the lots, streets, and alleys, south of and including the alley between and parallel to Pine and Plum streets, and bounded by and including on the west, the alley between and parallel to Osage and Chippaway streets, in the said town of West Logan.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXIX.

An Act to amend an act, providing for the election of a school commissioner in Russell township, in the county of Putnam.

[APPROVED JANUARY 10, 1845.]

WHEREAS, The General Assembly of the State of Indiana, did, at its last session, pass an act providing for the election of a school commissioner in the township of Russell in the county of Putnam, approved January fifteenth, 1844: AND WHEREAS, the citizens of said township were not informed of the proper time of holding said election until it was past: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of said act be so amended as to read "the first Monday in April, 1845," instead of "the first Monday of April next;" and that the said election be held according to the provisions of said act as hereby amended.

CHAPTER LXX.

An Act to amend an act, entitled "An act amendatory to the charter of Michigan City," approved February 15th, 1841.

[APPROVED DECEMBER 24, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act, entitled "an act amendatory to the charter of Michigan City," approved February 15th, 1841, be, and the same is hereby so amended that the publications required by sections thirty and thirty-three in said act, may be made by posting up written or printed notices in three of the most public places in said city, if at the time of such publication there shall not be any newspaper printed in said city.

SEC. 2. Such notice shall have the same force and effect as if printed in the corporation or other newspaper.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXI.

An Act to change the name of James Cowdrey Smith.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of James Cowdrey Smith of the county of Cass, be, and is hereby changed to, and shall hereafter be James Smith Cowdrey, and by said last mentioned name he shall hereafter be known, and be entitled to all of the privileges he would be with-
out the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXII.

An Act relating to Jackson Township in Washington county.

[APPROVED DECEMBER 26, 1844.]

WHEREAS, an additional place of holding elections was established in Martinsburg in Jackson township, in the county of Washington, by an act approved January fifteenth, 1844: AND WHEREAS, a petition has been received to repeal said act, and a remonstrance against said petition, in order to settle this matter of controversy among the voters of said township, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the inspector at each place of voting in Jackson township, in the county of Washington, at the township election, held on the first Monday in April next, to open a poll at which each voter shall be called upon by said inspector to express whether he is in favor of one or two places of holding elections in said township, and if a majority of all the votes given shall be in favor of but one place, then the act approved January fifteenth 1844, establishing an additional place of holding elections, shall be and the same is hereby repealed; but if a majority of all the votes given shall be in favor of two places of holding elections, then said act shall remain in force.

SEC. 2. *And be it further enacted,* That the trustees of Martinsburg shall pay all the expense connected with the holding of elections in the said town of Martinsburg, and if the said trustees shall, at any time, refuse or neglect to pay said expense, then the act approved January fifteenth, 1844, establishing an additional place of holding elections in Jackson township, in the county of Washington, shall be void.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LXXIII.

An Act for the relief of Jacob Aughee of Warren county.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Aughee of Warren county, be and he is hereby released from all damages, penalties, and extra interest that have

accrued against him on failure to pay interest on the balance of the purchase moneys for the following shool lands, to-wit: The north-west quarter of the north-west quarter of section number sixteen, township number twenty-one, north of range eight west, being part of the school lands belonging to said township, in the county of Warren and State of Indiana.

SEC. 2. *Be it further enacted,* That the school commissioner, or officer having the authority by law, shall make to said Jacob Aughee, and his heirs, a good and sufficient deed for said lands, so soon as he shall pay to the officer authorized to receive the same, the amount of principal with simple interest now due on said land.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

An act to extend the time of the County Board of Jefferson county.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of Jefferson county, be, and they are hereby authorized to extend their session to twelve days at each term, if the business of the county shall require it.

SEC. 2. The said board of county commissioners are hereby authorized to appoint supervisors of roads at their March term.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act to amend the several acts now in force relative to the discharge of the duties of School Commissioners in the counties of Perry, Fulton and Marshall.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in case of a vacancy in the office of school commis-

sioner in the counties of Perry, Fulton and Marshall, it shall be the duty of the county treasurers of their respective counties, ex-officio to discharge the duties of school commissioners until the next annual election, and until their successor is elected and qualified, and that they be governed in all respects by the laws in force regulating the duties of school commissioners, and that they give additional bond and security to the acceptance of the board of commissioners doing business in their respective counties.

SEC. 2. This act to be in force from and after its passage.

SEC. 3. It shall be the duty of the Secretary of State to transmit to the clerks of said counties, a certified copy of this act.

CHAPTER LXXVI.

An Act to repeal an act to limit the Trustees of Evansville to a certain tax.

[APPROVED DECEMBER 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act to limit the trustees of Evansville to a certain tax, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXVII.

An Act supplemental to an act entitled "An act to change a State road in Sullivan county," approved January 13, 1844.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above recited act is hereby amended as follows, to-wit: Amend second section, instead of beginning at the north east corner of section number ten, in township nine, north of range ten west, read, Beginning at the north east corner of section number sixteen, in town nine, range ten west, and running north along the line dividing sections nine and ten, in said township, to the top of a sand ridge.

SEC. 2. *Be it further enacted,* That the second section aforesaid, is hereby amended in the following particular: That after running said nine feet in width, the whole length of Gordon and Earnest's lands, also nine feet in width on a lot of land now owned by James Pogue.

SEC. 3. That should James Pogue or John Gordon, or any other citizen, be injured in their stock water, in the judgment of the proper supervisor, by pursuing the line before proposed, it is hereby made his duty, so far to deviate, as to prevent said injury.

SEC. 4. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be, and the same is hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LXXVIII.

An Act to change the time of holding Probate Courts in the county of Daviess.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court in the county of Daviess, shall hereafter be holden on the first Mondays of March, June, September, and December, instead of the second Mondays of February, May, August and November, as provided by section 40, chapter 39, revised statutes, 1843, and shall sit six days if the business shall require it.

SEC. 2. This act to be in force from and after its passage, and the Secretary of State shall forthwith forward a copy of this act to the clerk of the circuit court of said county.

CHAPTER LXXIX.

An Act to repeal the act, entitled "An act relative to overseers of the poor," approved January 15th, 1844, so far as the same is in force in Bartholomew and Spencer counties.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act relative to overseers of the poor," approved January fifteenth, 1844, so far as the same applies to the counties of Bartholomew and Spencer, be, and the same is hereby repealed; and all laws of said State of Indiana declared by said act not to be in force, are hereby revived and declared to be in full force in said counties of Bartholomew and Spencer.*

SEC. 2. *This act shall be in force from and after its passage, and is hereby declared to be a public act.*

CHAPTER LXXX.

An Act to authorize Ruel Starr to erect a mill dam across the Calumet river.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Ruel Starr of Porter county, be, and he is hereby authorized to construct a mill dam across the Calumet river, at his land he now owns, or may hereafter own on said river, near the mouth of Salt creek in said county of Porter: Provided, The same shall not exceed five feet in height.*

SEC. 2. *The said Ruel Starr shall be entitled to all the benefits of the writ of ad quod damnum to condemn the lands necessary for his use to build said mill dam.*

SEC. 3. *The said Ruel Starr shall be required to make and construct in some suitable part of said dam, a slope at least twenty feet wide to admit the free passage of rafts, flat boats and other craft.*

SEC. 4. *This act to be in force from and after its passage.*

CHAPTER LXXXI.

An Act legalizing certain proceedings had in the office of School Commissioner, in the county of Marshall.

[APPROVED JANUARY 10, 1845.]

WHEREAS, Under a misconstruction of an abstract of the Revised Statute of 1843, the school commissioner of the county of Marshall, on or about the fifth day of October, 1843, delivered over to the auditor of said county, all books, moneys, notes, mortgages and other papers belonging to said office: AND WHEREAS, In pursuance of an order of the board of commissioners of said county of Marshall, made in the premises, said auditor continued to perform the duties of school commissioner, up to the September term of said board of commissioners, 1844: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all the acts of said county auditor, while acting in the capacity of a school commissioner, had in accordance with the law regulating the duties of school commissioners, and also the said order of the said board of commissioners made in the premises, be, and the same are hereby legalized.*

SEC. 2. *This act to take effect and be in force from and after its passage.*

CHAPTER LXXXII.

An Act declaring Black Creek in the county of Greene, a navigable stream.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Black Creek in the county of Greene, be, and the same is hereby declared to be a navigable stream, from the mouth thereof, to within the space of one hundred yards below Carico's mill, situate on said stream.*

SEC. 2. *All laws heretofore in force relative to the navigation of said stream be, and the same are hereby repealed.*

SEC. 3. *This act to be in force and take effect from and after its passage.*

CHAPTER LXXXIII.

An Act to repeal a certain act therein named, so far as it relates to the county of Pike.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of an act, entitled "an act to amend an act entitled "an act to provide for the opening and repairing public roads and highways in the counties of Gibson and Pike," approved January thirty-first, 1842, approved January fifteenth, 1844," as relates to the county of Pike, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIV.

An Act limiting the fees of Sheriff for extra services in the county of Marshall.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Marshall, be, and they are hereby authorized to allow the sheriff of said county, a compensation for his extra services, not exceeding the sum of eighty dollars per annum.

SEC. 2. All laws coming within the purview of this act, so far as applies to the county of Marshall, be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act to legalize the election of trustees for the Enon Church of General Baptist in Gibson county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election for trustees for the Enon church of General Baptist held on the tenth day of November, in the year of our Lord eighteen hundred and and thirty-two is hereby legalized.

SEC. 2. All contracts made by said trustees, so far as relates to the Enon church of General Baptist, shall be valid and remain in full force as though the proceedings of the election of trustees for said church had been recorded.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXVI.

An Act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Jones and Harvey Hoover are hereby authorized to construct a dam across the Wabash river on the premises of the said Jones and Hoover, at or near the line dividing the counties of Adams and Jay, not exceeding five feet in height, for the purpose of propelling a carding machine, woolen factory, and other mill privileges.

SEC. 2. This act to be in force and take effect from and after its passage and publication.

CHAPTER LXXXVII.

An Act for the relief of John Sankey of Vigo county, Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of public accounts be directed to issue his warrant, drawn on the Treasurer of State, to John Sankey for the sum of one hundred and seventy-five dollars; which shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 2. Which warrant shall be in full of all damages which the said John Sankey may have sustained in consequence of the erection of the cross cut canal in Vigo county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXVIII.

An Act for the relief of Alexander McClelland.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The said Alexander McClelland in the year 1838, became and was a contractor on that part of the Wabash and Erie canal which was included in a section number fifty-nine: AND WHEREAS, He has since completed said section, and faithfully fulfilled his contract: AND WHEREAS, a large amount is still due him from the State on said contract, for which he holds the certificates of the general Superintendent: AND WHEREAS, By a proviso to the fourth section of an act entitled an act for the immediate relief of contractors and others engaged on the public works, and which was in force the fifteenth of February 1840, the contractors on the Wabash and Erie canal were exempted from the provisions of said act, and it was made the duty of the board of public works to progress with that work as fast as the same could be done with its own legitimate means, belonging to said Wabash and Erie canal at the time of the passage of said act, consisting in the lands and proceeds of said canal east of the Tippecanoe river; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said Alexander McClelland be and he is hereby authorized to be paid the full amount of the balance due him, as

aforesaid on said contract, in scrip issued for the use of the Wabash and Erie canal east of the Tippecanoe river.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act for the relief of Ann Matthews.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the title, interest or claim which the State of Indiana has or may have to the east half of the north east quarter of section seven, in township thirteen, north of range two east, in the county of Morgan, in said State, is hereby granted, conveyed, and confirmed unto Ann Matthews, wife of Hiram Matthews of said county of Morgan.

SEC. 2. This act to take effect from and after its passage.

CHAPTER XC.

An Act to vacate a certain alley in the town of Pittsburg, Carroll county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the alley running parallel with Wabash street, in the said town, and running parallel with the Wabash river, it being the first alley in the said town, immediately west of the said Wabash street, as marked on the recorded plat of the said town, be, and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XCI.

An Act to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel C. Shannon of the county of Wabash, be, and he is hereby authorized to erect a mill dam across the Mississinewa river, at or near the Broad Ripple, in the county aforesaid, not to exceed eight feet in height.

SEC. 2. The said Daniel C. Shannon shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for his use.

SEC. 3. The said Daniel C. Shannon shall be required to make and construct, in some suitable part of said dam, a slope at least twenty feet wide, to admit the free passage of boats, rafts, and other craft.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XCII.

An Act for the relief of Joseph Proctor and others.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is made known to the General Assembly of the State of Indiana, that William Shepherd and Mary his wife, formerly of Dearborn county, in said State, sold and conveyed certain lands in said county, to divers persons for valuable considerations; and among others sold and conveyed to Joseph Proctor, the south east quarter of section ten, and the north east quarter of section fifteen, both in town six, range two west, in said county; and that the said William Shepherd, at the time of making the said conveyance was an alien, and that he has since died; whereby the said lands are escheated and forfeited to the State of Indiana; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any and all deeds or conveyances made by the said William Shepherd and Mary his wife, of any lands in the said coun-

ty of Dearborn be confirmed, and they shall be, and are hereby made as valid and effectual in law, to pass the legal title in said lands to the grantees in said deeds, and those claiming under them, as if the said William Shepherd, at the time of making such conveyances, had been an actual citizen of the United States; and any and all rights, title, estate, or interest, acquired by the State of Indiana, in or to the said lands, by escheat or forfeiture, be, and the same are hereby released to the grantees thereof, and those holding under them, wherever they may have been aliened in good faith.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XCIII.

An Act to do justice to the people of Martin county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The assessor of Martin county, for the year 1843, did not exempt from assessment one hundred and twenty-five dollars of personal property, to each tax payer as the law then provided should be done; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of said county of Martin, in collecting the revenue assessed in said county, for the year 1845, shall give to each tax payer, who may require it, a credit on his tax for State purposes, equal to the amount so improperly assessed against and paid by him in the year 1843.

SEC. 2. It shall be the duty of said treasurer to keep a list of all tax payers who have received a credit as above, together with the exact amount so credited to each, which, when verified by his oath or affirmation, shall be produced and allowed in his settlement with the Treasurer of State.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XCIV.

An Act to authorize special sessions of the Boards of County Commissioners.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several county auditors in this State may call special sessions of the board of commissioners in their respective counties, whenever they may deem it for the interest of their respective counties to do so, by giving notice in writing, specifying the purpose for which they are called together, to each of said commissioners, which notice the sheriff is hereby required to serve.

SEC. 2. Upon receiving such notice, it shall be the duty of said commissioners to meet at the time appointed therein, and transact the business for which such special session was called.

CHAPTER XCV.

An Act changing the mode of doing county business in the county of Putnam.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the several townships in the county of Putnam, shall at the annual township election, on the first Monday in April, in each year, elect one of the justices of the peace from each township in said county, to do the business of said county for one year, and until his successor shall be duly elected and qualified: *Provided, however,* If this law shall be adopted as hereinafter provided, it shall be the duty of the oldest justice of the peace in each township in said county to do the business of said county for one year, and until his successors shall be duly elected and qualified.

SEC. 2. The said election shall be conducted in all respects as township elections are now authorized by law to be conducted, and the returning judges thereof, shall make report of such election to the clerk of said county, who shall notify such justice of the peace of his election.

SEC. 3. The said justices of the peace so elected, as in this act provided for, shall constitute the board of commissioners of said county, and said board shall in all respects be governed by the laws

now in force, regulating the mode of doing county business in this State.

SEC. 4. If any justice of the peace elected under the provisions of this act, shall wilfully fail or refuse to attend any regular session of said board, without reasonable excuse, said justice shall be fined in any sum not exceeding ten dollars, upon presentment or indictment, for the use of the county seminary of said county.

SEC. 5. The said justices of the peace, constituting said county board as hereinbefore provided, shall after the taking effect of this act be exempt from militia duty, serving on juries, working on roads, and be entitled to receive seventy-five cents per day for the performance of the duties enjoined upon them by this act.

SEC. 6. All suits, pleas, complaints, prosecutions, and proceedings, which may be pending in any court to be tried, in which the present board of commissioners of said county is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as if this act had not passed, and all contracts or liabilities in favor of or against the existing board of commissioners, shall remain valid in law and equity.

SEC. 7. This act to take effect and be in force from and after the first Monday in May: *Provided, however,* That at the township elections held on the first Monday in April next, it shall be the duty of each inspector, of the several townships in said county, to open a poll, at which each voter shall be called upon to express whether he is in favor of the change here proposed or not, and if a majority of all the voters shall so determine, then this act to take effect and be in force, but if a majority of said voters shall not so decide, then this act to be null and void, and the present law to remain in full force and effect, and it is hereby made the duty of the Secretary of State to file a certified copy of this act in the auditor's office in the said county of Putnam, with as little delay as possible.

CHAPTER XCVI.

An Act to authorize the sale of school section in town four, range ten, in Jefferson county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the legal voters of congressional township number four, range number ten east, in Jefferson county, be and they are hereby authorized to sell the sixteenth section thereof, and for that purpose may meet and vote under the laws now in force in such

cases, and if a majority of the voters present shall direct the same to be sold, such sale shall be made according to law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCVII.

An Act to compel speculators to pay a road tax equal to that paid by actual settlers.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the county of Randolph there shall be assessed and collected for the purpose of repairing, constructing, and making roads and public highways in the said county, the sum of one and one-fourth cents on each and every acre of land lying and being within the limits of said county, subject to taxation; and on town lots with the improvements thereon, which are subject to taxation, the sum of fifteen cents on each and every hundred dollars valuation thereof; and on personal property, the sum of ten cents on each and every hundred dollars valuation thereof: *Provided however*, That each and every tax payer of the county of Randolph shall be entitled to hold two hundred dollars worth of personal property as exempt from taxation for road purposes, which shall be in lieu of all taxes on both real and personal property for road purposes in said county, the same to be assessed and collected as other taxes are assessed and collected for State and county purposes: *Provided*, That the same may be worked out under the direction of the supervisors of the road districts in which the tax is laid, at the rate of seventy-five cents per day, previous to the first day of October, in each year, and the supervisor's receipt therefor shall be received by the treasurer of said county in discharge of said tax, or so much thereof as shall have been worked out in the manner aforesaid; and the moneys arising from and under this act, when collected, shall be paid into the county treasury of said county, for the use of the respective road districts therein, and shall be, when collected, paid over by the county treasurer to the supervisors of the respective road districts in which the same shall have been collected, and by such supervisors immediately expended upon the roads in his district, under the provisions of this act.

SEC. 2. *And be it further enacted*, That in addition to the said road tax specified in section first, all male inhabitants in said county of Randolph, between the age of twenty-one and fifty years (persons exempt by law, or excused by the board doing county

business, excepted) shall each work two days on the roads in each year, under the direction of their respective supervisors, and in default thereof shall pay the sum of seventy-five cents, respectively, which shall be collected by the supervisors in said county: *Provided*, That the same may be worked out under the direction of the supervisor of the road district in which the tax is according to the laws now in force (revised statutes) regulating the duties of supervisors of roads and highways.

SEC. 3. All laws and parts of laws which come within the purview of this act be, and the same are hereby repealed. This act to take effect and be in force from and after its passage and publication.

CHAPTER XCVIII.

An Act to authorize George French to construct a mill dam across the Wabash river.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George French is hereby authorized to construct and erect a mill dam across the Wabash river for the purpose of propelling a saw and grist mill, and other hydraulic machinery on the land of said George French, in the county of Adams, State of Indiana; said dam is not to exceed six feet in height.

SEC. 2. This act to be in force and take effect from and after its passage and publication.

CHAPTER XCIX.

An Act providing for the location of a State road in the counties of Marshall and Kosciusko.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Reed of the county of Kosciusko, [Enos S. Tuttle, Jr.] and Sidney Williams of the county of Marshall, be and they are hereby appointed commissioners to view, mark, and locate a

State road, commencing at Peter Warner's mill, in Kosciusko county, and running thence south of west on the nearest and best ground to the crossing of Trimble's creek, between sections number eighteen and nineteen, in township thirty-two, north of range number five east; thence running north of west on the nearest and best ground to the south-west corner of section number three, in township thirty-two, range four east; thence north of west on the nearest and best ground until it intersects the Michigan road, between sections twenty-five and thirty-six, in township thirty-three, range two east, in the said county of Marshall.

SEC. 2. This act to be in force from and after its passage.

CHAPTER C.

An Act to extend the time of the sessions of the Board of Commissioners of Bartholomew county, and for other purposes.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Bartholomew county are hereby authorized to continue any regular session of said board as long as the business thereof may require, not exceeding twelve days.

SEC. 2. So much of any law as makes it obligatory upon the several boards of commissioners to erect an estray pound in each of the several counties in this State be, and the same is hereby declared not to be in force in said county of Bartholomew.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CI.

An Act to amend an act entitled "An act relative to licensing groceries in the counties of Carroll and Cass, approved January 31, 1842.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above named act, relative to

grocery licenses in the said counties of Carroll and Cass, be and the same are extended to the county of Clark.

SEC. 2. That in the said county of Clark, if the vote so taken in the township or townships be against a license, it shall not be lawful for the board of county commissioners in said county of Clark, to grant any licenses either for taverns or groceries, by which any person shall be authorized to retail spiritous liquors in any of those townships deciding by a vote as aforesaid, against such licences: *Provided*, That a plurality of votes shall not decide the question, but a majority of the whole number of votes polled at said election shall be required to decide for or against granting license under the provisions of this act, or the act to which this is an amendment.

CHAPTER CII.

An Act to amend an act entitled "An act to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839," and for other purposes.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of Thomas Hays, Hiram Wilson, Nicholas Gilmour, Joshua B. Horn, and Benjamin Hamilton, as trustees of the incorporation of the town of Columbus, in the county of Bartholomew, Indiana, as well as all their official acts as such trustees be and the same are hereby legalized.

SEC. 2. *Be it further enacted*, That this act and the act to which it is amendatory, be, and they are hereby declared to be public acts.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CIII.

An Act to repeal an act entitled "An act to lay out and open a State road in the counties of Dearborn and Ripley," approved February 1, 1834.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled an act to lay out and open a State road in Dearborn and Ripley counties, approved February 1, 1834, is hereby repealed, and said road vacated.*

SEC. 2. *This act to take effect and be in force from and after its passage.*

CHAPTER CIV.

An Act for the relief of Daniel Wise.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of Agent of State to pay to Daniel Wise the sum of seven hundred and thirty-seven dollars and fifty cents, in damages, and fifty-nine dollars and seventy-two cents, his costs, together with interest upon said damages, recovered against the State, at the April term, 1843, of the Madison circuit court, in a certain proceeding in said court had, at the suit of said Daniel Wise against said State, for damages in the location and construction of the central canal through the lands of said Wise.*

SEC. 2. *Before said Agent shall pay said judgment, or any part thereof, said Daniel Wise shall file a transcript, duly certified, of said judgment, in the office of said Agent of State.*

CHAPTER CV.

An Act entitled an act regulating elections of Supervisors in the counties of Dekalb and Steuben.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act regulating elections of supervisors of roads and highways in the counties of Dekalb and Steuben, be hereby so amended, that hereafter every supervisor of roads and highways shall each be separately chosen by the qualified electors of and in the respective road district into which the townships may be severally divided, and that if on counting the ballots of any election for supervisor held under this act, there should appear more than one name for supervisor, on any one ballot, such ballot or ballots shall not be counted, so far as supervisor is concerned.*

SEC. 2. *This act shall only extend to the counties of Dekalb and Steuben.*

SEC. 3. *This act to take effect and be in force from and after its passage.*

CHAPTER CVI.

An Act to change the name of Susannah Poe to Susannah Cundale.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the name of Susannah Poe, of the county of Dearborn, in this State, and daughter of Jane Cundale of the same place, wife of John Cundale, be and the same is hereby changed to Susannah Cundale, by which name she shall hereafter be known and called.*

SEC. 2. *This act to take effect and be in force from and after its passage.*

CHAPTER CVII.

An Act to more properly define the boundaries of Dearborn county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, In chapter second, section second, in the revised code of 1843, township eight, range three, township seven, range two, and township seven, range one west, was, by some cause or mistake, left out, which originally and of right belongs to the county of Dearborn; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That township eight, in range three, and township seven, in range two, and township seven, in range one west, be and the same are hereby included within the boundaries of Dearborn county.

SEC. 2. That all acts and doings of the people in the different courts, and elections held by the people in said territory, be, and the same are hereby legalized.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An Act to authorize Gustavus A. Rose and others to file their petition before the Board of County Commissioners of Laporte county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Gustavus A. Rose, of Laporte county, and all others interested, may file their petitions before the said board of county commissioners of Laporte county, for compensation [damages] by him or them sustained in consequence of the location and opening of a certain road leading from the town of Laporte, in said county of Laporte, to Ezekiel Morrison's.

SEC. 2. That said board of county commissioners shall proceed to hear said petitions, and be governed in all things therein by the law now in force upon that subject, except as to the time of filing said petitions.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CIX.

An Act to amend an act providing for the loaning of the school funds of Vigo county, approved January 13, 1844.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the treasurer of Vigo county be, and he is hereby authorized to demand and receive from the late school commissioner thereof, or any other person having the same in hand, all the moneys, notes, or other evidences of debt belonging to the several congressional townships in said county, whose treasurers may have failed or neglected to call for or receive the same; and the said treasurer shall divide the same, whenever called on for that purpose, among the several townships entitled to the same, in pursuance of the provisions of the act to which this is an amendment.

SEC. 2. The said treasurer of Vigo county, shall, before demanding or receiving the said money, notes, or evidences of debt, as aforesaid, give bond to the satisfaction of the board of county commissioners, for the faithful performance of the duties hereby enforced.

SEC. 3. This act to take effect and be in force from and after the filing of an officially certified copy thereof in the office of the clerk of the Vigo circuit court.

CHAPTER CX.

An Act extending the provisions of an act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the above recited act, be and the same are hereby extended to the counties of Dekalb, Steuben, Starke and Pulaski.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXI.

An Act to abolish the office of County Auditor in the county of Orange.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of auditor of Orange county be and the same is hereby abolished.

SEC. 2. That the duties heretofore performed by the county auditor of Orange county, be hereafter performed by the clerk of the circuit court of Orange county.

SEC. 3. That the board of commissioners of the county of Orange shall annually allow the clerk of the circuit court one hundred and fifty dollars annually, which shall be in full for his services for performing the duties of said county auditor, who shall perform all the duties of said office now provided by law: *Provided,* That nothing in this act shall be so construed as to interfere with the perquisites now allowed by law, so far as they are authorized to be paid by individuals.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXII.

An Act for the relief of the President and Trustees of the town of Greencastle, and other purposes.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Peter Daggy be and is hereby appointed a commissioner to make, execute, acknowledge, and deliver to Isaac Ash a good and sufficient deed of conveyance for lot number seventy-five, in the town of Greencastle, known as the Market lot, whenever instructed so to do by the president and trustees of said town.

SEC. 2. When the said deed is so made, executed, and delivered, it shall convey to, and vest in, said Isaac Ash the fee simple title to said lot.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXIII.

An Act to amend an act entitled "An act for the relief of John Law, Lucius H. Scott, Hugh Steward, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased," approved January 15, 1844.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of the above recited act is hereby declared to be an error in enrolling the act aforesaid; that the said third section shall be construed to read as follows, to-wit: "SEC. 3. This act shall not be construed to release the said mortgage, if the State finishes the contract in consideration of which the said mortgage was given, within five years from the passage of this act," and all proceedings in court and elsewhere shall be governed by the act above referred to, as though the above mentioned third section had been enacted and published as above.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act legalizing special sessions of the Board of County Commissioners in the county of Daviess.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all orders passed by the board of county commissioners in the county of Daviess, at their special sessions in the year 1844, be and the same are hereby declared as legal as though said special sessions had been authorized by law.

SEC. 2. This act to be in force from and after its passage, and the Secretary of State shall forward a copy of this act to the office of the auditor of said county.

CHAPTER CXV.

An Act to incorporate the Laporte County Mutual Insurance Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Franklin Thwing, George W. Allen, John R. Traver, John P. Early, Gilbert Hathaway, Thomas D. Lemon, James Bradley and Willard A. Place, and all other persons who may hereafter become members of said company, in manner herein provided, be and they are hereby made, a body politic and corporate by the name of the "Laporte County Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning, or any other means, excepting that of design in the insured or by invasion of an enemy, or insurrection of the citizens of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of competent jurisdiction in this State or elsewhere, may have and use a common seal, may purchase and hold such real estate as may be necessary to effect the objects of such association; and the same may sell and convey at pleasure, may make, establish and put in execution, such by-laws, ordinances and regulations as may be necessary and convenient for their regulation and government, and for the management of their affairs.

SEC. 2. That all and every person or persons, who shall at any time become interested in said company, by insuring therein, and also, their respective heirs, executors and administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof for and during the times specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

SEC. 3. That there shall be a meeting of the said company at Laporte, in the county of Laporte, on the first Monday in May next, or on such other day and at such other place as said company may hereafter determine, of which thirty days previous notice shall be given by publication in at least two newspapers, one of which shall be printed in the county of Laporte, and in general circulation, stating the time, place and design of said meeting, at which meeting shall be chosen by a majority of the members present, a board of directors consisting of nine members, who shall continue in office until others have been chosen and accepted the trust in their stead; all vacancies happening in said board may be filled by the remaining members until the next annual meeting, and a majority of the whole

number present shall constitute a quorum for the transaction of business; special meetings of the company may be called by order of the directors, or in such other manner as the by-laws thereof may have prescribed.

SEC. 4. That the board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, and not otherwise provided for by said company, they shall have power from time to time, to appoint a secretary, treasurer, and such other officers, agents or assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary, for the faithful performance of their respective duties, and may remove them at pleasure; they shall determine the rates of insurance, the sum to be insured on any building, and the sum to be deposited for the insurance thereof, they shall order and direct the issuing and making of all policies of insurance, the providing of books, stationery and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer for [payment of] all losses which may have happened, and for the expenses incurred in transacting the concerns of the company; they shall elect one of their own members to act as president, and may hold their meetings monthly and oftener if necessary, for transacting the business of the said company, and keep a record of their proceedings, and any director disagreeing with a majority of the board at any meeting, may enter his dissent with reasons therefor, on the record of their proceedings.

SEC. 5. That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such a sum of money as shall be determined by the directors, a part, not exceeding five per cent., of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of said institution, and the remainder of said deposite note shall be payable in part, or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

SEC. 6. That every member of said company shall be and hereby is bound and obliged to pay his portion of all losses and expenses happening and accruing in and to said company, to the amount of his deposite and no further; and all buildings insured by and with said assurance, together with the right, title, and interest of the insured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the insured, during the continuation of his, her, or their policies.

SEC. 7. That in case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof in writing to the directors or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or said party may bring an action against said company for the loss or damage in the Laporte circuit court, at the next term thereof, and not afterwards, unless said court shall be holden within six months after said determination; but if holden within that time, at the next court holden in said county thereafter. And if upon the trial of said action, a greater sum shall be recovered than the amount determined upon by said directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their cost: *Provided*, That the judgment last mentioned, shall in no wise affect the claim of said suffering party to the amount of loss or damage determined by the directors aforesaid: *Provided, also*, That execution shall not issue on any judgment against said company, until after the expiration of three months from the rendition thereof.

SEC. 8. That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company, for such loss or damage, settle or determine the sums to be paid by the several members thereof as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the treasurer within thirty days next after the publication of such notice, and if any member shall, for the space of thirty days after the publication of such notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their deposite note or notes with costs of suits, and the money thus collected shall remain in the treasury of said company subject to the payment of such losses and expenses as have, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected on demand, after thirty days from the expiration of the term for which insurance was made.

SEC. 9. That the said company may make insurances for any time not exceeding ten years, and any policy of insurance issued by

said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the insured has a title in fee simple, unincumbered to the building or buildings insured, and to the lands covered by the same, but if the insured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the insured and the incumbrance of the premises be expressed therein, and in the application thereof.

SEC. 10. That the directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, but no allowance is to be made in estimating the damages in any case for gilding, historical or landscape painting, stucco or carved work.

SEC. 11. That when any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the insured shall be entitled to receive his, her or their deposite note, upon the payment of his, her, or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided*, That the alienee or grantee, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them for his, her, or their proper use or benefit, upon application to the directors, and with their consent within thirty days next after such alienation, on giving proper security, to the satisfaction of such directors, for such portion of the deposite or premium note as shall remain in force, and by such satisfaction and confirmation, the party causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured was entitled and subjected under this act.

SEC. 12. That if any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon by said company, whereby it may be exposed to greater hazard or risk from fire, than it was at the time it was insured, then and in every such case, the insurance made on such house or building shall be void, unless an additional premium or deposite, after such alteration be settled with and paid to the directors or their agents; but no alteration or repairs in buildings not increasing such risk or hazard shall in anywise affect insurance made thereon.

SEC. 13. That in case any buildings situated upon leased lands, and insured by said company, be destroyed by fire, in such case the directors may retain the amount of the premium note given for the insurance thereof, until the time for which insurance was made shall have expired, and at the expiration thereof, the insured shall have the right to demand and recover such parts of the said retained sum or sums as has not been expended in losses and assessments.

SEC. 14. That if assurance on any house or building be made, and subsist in said company, and in any other office, or from or by any other person or persons at the same time, the assurance made in and by said company, shall be deemed and become void, unless such

double insurance subsist with the consent of the director or agents, signified by endorsement on the back of the policy, signed by the president and secretary.

SEC. 15. That Franklin Thwing, George W. Allen, John R. Traver, John P. Early, Gilbert Hathaway, Thomas D. Lemon, James Bradley, and Willard A. Place, named in the first section of this act, or either two of them, may call the first meeting of the members of said company, at any suitable time and place in the town of Laporte aforesaid, by advertisement in any newspaper printed in said town, giving at least twenty days notice of the time and place, and design of said meeting, for the purpose of choosing the first board of directors, making and establishing by-laws, and of transacting any business necessary and proper to carry into effect the intentions of this act: *Provided*, That no policy shall be issued by this company until application shall be made for insurance on one hundred thousand dollars at least.

SEC. 16. That each and every one of the directors of said company shall, before he enters upon the duties of his office, give bond to the treasurer of the county of Laporte in the sum of five thousand dollars, with good and sufficient surety or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeable to the regulations of this act; and on the complaint of any person who has been injured by the misconduct of any director, it shall be the duty of the said treasurer to cause the said bond to be put in suit, on receiving security to indemnify the State against cost, and to certify to the court who is the prosecutor in such cause; and the said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their cost, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply to as many breaches respecting his interest as he may think fit; and the jury, on trial of such issues as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor, for such a sum as the jury shall have found, damages, and costs; and the judgment shall remain for the benefit of such person or persons as may, by a *fieri facias* thereon, show that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award cost to the defendants, and thereon issue execution against such prosecutor.

SEC. 17. That from and after the passage of this act, any member of the Laporte county mutual insurance company, or any other mutual insurance company hereafter to be incorporated, shall or may be admitted as a competent witness, and his deposition used in the same manner as the inhabitants of towns, districts, precincts, or parishes are by law now admitted as witnesses, and their depositions used.

CHAPTER CXVI.

An Act to restrict the Grand Jury in Franklin county to a limited time in their sessions.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court, the grand jury in Franklin county shall not remain in session more than four days, except in cases herein provided.

SEC. 2. It shall be the duty of the prosecuting attorney to inform the court, whether there are any cases before said jury of such a nature as would amount, in criminal cases, to death or imprisonment in the State prison.

SEC. 3. That when the court are made sensible that such cases are before the jury, the court may continue the jury from day to day, to determine such cases.

SEC. 4. That all laws and parts of laws giving the right to grand jurors to continue in session longer than is provided for in this act are hereby repealed.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXVII.

An Act repealing section 76, article 4, chapter 15, of the school laws of the Revised Code in the counties of Dekalb and Steuben.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 76, article 4, chapter 15, of the school laws of the Revised Code, which prohibits the assessing of more than twenty-five cents on the hundred dollars, in any one year, for building or repairing school houses, shall hereafter not extend to the counties of Dekalb and Steuben.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXVIII.

An Act to Recharter Hanover College.

[APPROVED DECEMBER 25, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Finley Crowe, Williamson Dunn, James M. Henderson, Daniel Lattimore, Tilly H. Brown, James A. McKee, Thomas W. Hynes, Robert Simenton, John Smock, James H. Graham, David Monfort, Jacob Haas, Thomas D. Young, John M. Young, George Logan and William Reed and their associates and successors in office be and they are hereby constituted a body corporate and politic in law, by the name and style of the Trustees of Hanover College, and by the said name and style shall have succession and exist forever. The whole number of trustees shall never be less than fifteen nor more than twenty-four: *Provided*, That if at any time by death, removal, resignation or otherwise, the members of the said board shall be reduced to a number less than fifteen, any number of said members not less than nine shall have power at any legal meeting to fill so many of the vacancies so created as that the whole number of members shall not be less than fifteen. The said board of trustees shall hold their first meeting on the eighth of February, 1845, at one o'clock, P. M. in the college chapel at Hanover, and any seven by this act constituted trustees, being so met, shall form a quorum for business at the said first meeting, and the board shall thereafter meet annually or oftener, at such times and places as they shall by their own ordinances appoint. The said board shall, at their first meeting, divide the members into four equal classes as near as may be, the first class to go out of office on the day preceding the first annual commencement in the college, by this act provided to be established; the second class on the day preceding the second annual commencement; the third class on the day preceding the third annual commencement; and the fourth class on the day preceding the fourth annual commencement, and in the same manner forever afterwards, so that one fourth of the whole number or as near thereto as may be, shall go out of office annually: *Provided*, however, That the members of the said board shall continue to hold their offices until their successors shall be appointed and qualified. Of the vacancies hereafter created in the board in whatever manner, one half shall be filled by the board and the other half by the Synod of Indiana, in connexion with the General Assembly of the Presbyterian church in the United States of America, commonly known and distinguished as the Old School Presbyterian church: *Provided*, That if the said Synod shall at any time decline or neglect to fill the vacancies which they are by this act authorized to fill, the board shall have power to fill the same until they shall be filled by the Synod.

SEC. 2. The said trustees by this act incorporated, shall have power, at any legal meeting, to elect a president of their own body, a secretary, a treasurer, and such other officers as they shall think proper, whose terms of office and duties shall be such as the board may appoint, and to remove the same, to establish such ordinances and by-laws, not contrary to the constitution and laws of this State or of the United States, as they shall think fit, for their own government, and the same to alter or repeal, to found in the village of Hanover, in the county of Jefferson, an institution for the education of the sons of the citizens of this State and other States, of every class and denomination who may resort to it, which institution shall be known by the name of Hanover College; to establish in the said college professorships for the instruction of the students thereof in the several branches of liberal learning, to determine the course of studies, to appoint a president, professors and other instructors therein as they shall deem proper, and to remove the same at any regular meeting of the board by a vote of a majority of the whole number of members of the board, after due notice shall have been given to each member of the object of the meeting. The president and professors shall be known by the name of the faculty of Hanover College, and shall have power to conduct the instruction and government of the students of the said college, subject to such ordinances as the trustees may establish, by and with the consent of the trustees; to grant all such degrees in the liberal arts and sciences as are customary in other colleges in the United States, and to give diplomas or certificates of the same, subscribed by the professors or president and professors, and authenticated by the common seal of the college: *Provided*, That no such degree shall be granted to any person who shall not have made such attainments as are usually required as a qualification for the same degree in other colleges. The said trustees and their successors shall moreover have power to make and use a common seal, and the same to alter or renew at pleasure; they shall be and are hereby made capable in law, by the name and style of the Trustees of Hanover College, to purchase, receive by donation, possess, sell, lease or otherwise manage or dispose of any lands, tenements or other hereditaments not exceeding at any one time in value one hundred thousand dollars; and any moneys, notes, bonds, subscriptions, bills, goods, chattels, devises or other property of whatever kind, as they shall think proper for the use of said college; to contract and be contracted with, to sue and be sued, plead and be impleaded in any court or courts, before any judge, judges or justices within this State or elsewhere in all manner of suits, complaints, pleas, causes, demands and matters of whatever kind, nature or form, in as full and efficient a manner as any other body corporate or politic of like nature within the State may do.

SEC. 3. This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance,

or devise to or for the use of the said college be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, That the intention of the parties be shown beyond a reasonable doubt.

SEC. 4. The State reserves the right to alter and amend this act at any time by a vote of two-thirds of each branch of the General Assembly: *Provided*, That no alteration shall be made which shall change or affect the fundamental principles on which, or the objects for which the institution hereby provided to be established, is founded.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act to change the name of Anna Maria Schmoll.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Anna Maria Schmoll, of Vanderburgh county, Indiana, be and the same is hereby changed to that of Anna Maria Long, and by the last mentioned name she shall hereafter be known, and be entitled to all the rights and privileges, and subject to all the penalties and liabilities she would have been if this act had not passed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXX.

An Act extending the provisions of an act entitled "An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844," to the county of Clay.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above named act be and the same are hereby extended to the county of Clay.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal; and it is hereby made the duty of the Secretary of State to furnish the county auditor of Clay county with a copy of this act.

CHAPTER CXXI.

An Act authorizing the Boards of County Commissioners of the counties therein named, to appoint examiners of common school teachers.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards of county commissioners of the counties of Switzerland, Hancock, Allen, Orange, Jefferson, Franklin, Warren, Henry, Randolph, Madison, Hendricks, Daviess, Monroe, Union, and Brown, are hereby authorized, and it is made a part of their duty, to appoint one or more persons in each civil township in said counties as examiners of common school teachers.

CHAPTER CXXII.

An Act to amend an act entitled An act to amend an act entitled an act to incorporate the Veray and Napoleon, and other Turnpike Companies, approved February 8, 1836—approved January 15, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of the act to which this is an amendment, be and the same is hereby so amended as to require but one hundred shares of the capital stock in the Rising Sun, Versailles, and Napoleon turnpike company to be subscribed to authorize and empower said company to hold their elections and to fully organize said company according to the provisions of the several acts incorporating said company.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXIII.

An Act changing the election of School Trustees in the counties of Dekalb and Steuben.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law providing for the election of congressional township school trustees on the last Saturday of August in each year, be hereby so amended that said election hereafter take place on the first Monday in April in each year: *Provided, however*, That all trustees elected under the law to which this act is amendatory, shall serve out the term of office for which they were elected.

SEC. 2. This act shall only extend to the counties of Dekalb and Steuben.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXIV.

An Act fixing a certain annual compensation to the Auditor of Hamilton county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Hamilton county shall annually allow the auditor of said county any sum not exceeding three hundred dollars, which shall be in full for his services as such auditor, who shall perform all the duties of said office as now required by law.

SEC. 2. All laws and parts of laws allowing the auditor twelve and one half cents for the transfer of deeds, be and the same are hereby repealed so far as the county of Hamilton is concerned.

SEC. 3. This act to take effect and be in force from and after its passage, and all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

CHAPTER CXXV.

An Act to legalize the selecting, drawing, &c., of the Grand and Petit Jurors for the county of Daviess.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to the General Assembly, that the grand and petit jurors selected by the board of county commissioners of Daviess county, for the current year, were not selected and drawn in strict conformity to the existing law in such case made and provided; to remedy which,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the selecting, drawing, empannelling, and summoning of the said jurors, be and the same is hereby made legal and valid to all intents and purposes, as though the said jurors had been legally selected and drawn *ab initio*.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXVI.

An Act correcting the boundary line of Richardville county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the territory included in the following boundary, be, and the same is hereby attached to, and made part of Richardville county, to-wit: Beginning at the north-east corner of section fourteen, in township twenty-three north, range two east; thence north to the north-west corner of section one, in township twenty-four, range one east; thence east to the range line dividing ranges one and two.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXVII.

An Act to amend an act entitled "An act to incorporate the Warren county canal company," approved January 15, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the nineteenth section of said act be so amended that it shall require two-thirds of the legislature to repeal said charter.*

SEC. 2. *That this act shall take effect and be in force from and after its passage and publication in the Wabash Register, the publication to be made at the expense of said company.*

CHAPTER CXXVIII.

An Act to extend the time to the collectors of Bartholomew and Delaware counties, to settle the county and State revenue of said counties for the year 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the time for the final settlement of the State and county revenue of Bartholomew and Delaware counties, for the year 1844, be and the same is hereby extended: Provided, The securities of said collectors on their bonds assent thereto; for one month from the times respectively when said settlements are now required by law to be made.*

SEC. 2. *The assent of the securities contemplated in the first section of this act shall be signified by said securities to the auditors of said counties, and by them noted on the bonds.*

SEC. 3. *This act shall be in force upon, and after a certified copy thereof shall be filed in the offices of the county auditors of said counties, and it is hereby made the duty of the Secretary of State to provide such copy immediately upon the passage of this act.*

CHAPTER CXXIX.

An Act authorizing the election of a County Auditor in Clay county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of the county of Clay be, and they are hereby authorized, at the next general election, to elect a county auditor in and for said county, in the same manner, and subject to the same provisions, limitations and restrictions that they might or could have done if they had the requisite number of the qualified voters in said county.*

SEC. 2. *This act shall take effect and be in force from and after its passage.*

CHAPTER CXXX.

An Act authorizing the Board of Directors of the Indiana Baptist Education Society and the Board of Trustees of Franklin College to sell certain property without license.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the board of directors of the Indiana Baptist Education Society and the board of trustees of Franklin College are authorized and hereby empowered to sell or dispose of any clocks, foreign goods, or other property which they may have on hand, or which may hereafter be donated to them by benevolent individuals, for the purpose of enabling them to build up and establish the institutions over which they have charge and control, without being required to obtain a permit or license to do so: Provided, That this act shall not authorize either of the above boards to make a business of dealing in or retailing such articles.*

[SEC. 2. *This act to be in force from and after its passage.*]

CHAPTER CXXXI.

An Act to establish a State Road on the county line between the county of St. Joseph and the county of Elkhart.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas P. Bulla, of the county of St. Joseph, and Hardin Cleveland, of the county of Elkhart, be and they are hereby appointed commissioners to view, locate and mark a State road, commencing at the State line at sections nine and ten, township thirty-eight, range four east, running south on said line to intersect the State road known as the Mishawaka State road, where it crosses said line on sections thirty-three and thirty-four in said township.

SEC. 2. Said commissioners shall proceed to discharge the duties required by this act, and make report thereof to the county commissioners of the county of St. Joseph and the county of Elkhart, at their September term, in the year eighteen hundred and forty-five.

SEC. 3. The said counties of St. Joseph and Elkhart shall each of them bear an equal share of the expenses of locating and laying out said road.

SEC. 4. The said commissioners shall meet at the house of John Smith, in Elkhart county, on the first Monday of June, in the year eighteen hundred and forty-five, or as soon thereafter as may be practicable, and proceed to discharge their duties according to the provisions of this act.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXXXII.

An Act to extend the time of holding the Probate Court of Montgomery county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding said court shall be extended to two weeks: *Provided*, The business should require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXIII.

An Act to establish a certain State Road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Deal, of Hamilton county, and John S. Shiels of Carroll county, are hereby appointed commissioners to view, mark and locate a State road to commence at Strawtown in Hamilton county; thence to Shielville in said county; thence to or near the east end of the Indian Prairie in Tipton county; thence to intersect the Michigan road at or near the crossing of the north fork of Deer creek, in Carroll county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXIV.

An Act for the relief of Sintha Parks, widow of Alexander Parks, deceased.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever that part of section 16, in township 3, range 7 east, in Scott county, heretofore purchased by Alexander Parks, deceased, and subsequently forfeited to said congressional township, for non-payment of the full amount of the purchase money, shall be again sold in pursuance of law; it shall be the duty of the proper officer receiving the same, out of the first money coming into his hands by virtue of said sale, to pay to Sintha Parks, the widow of said Alexander Parks, deceased, the sum of forty-five dollars.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXV.

An Act in relation to Justices and other officers in Laporte county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board of county commissioners of Laporte county, to make an allowance to justices and other officers of said county, for their services in State cases, whenever, in the opinion of said board, it shall seem just and proper that such allowance be made; said allowance to be made out of the treasury of said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXVI.

An Act to re-locate a part of a State Road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Darwin A. Clarke, of the county of Martin, William Hoard, of the county of Lawrence, William Williams, of the county of Orange, be and they are hereby appointed commissioners to re-locate that part of the Harrisonville and Paoli State road from David Boyden's ferry on White river, so as to intersect the State road leading from Mount Pleasant in Martin county, to Orleans in Orange county, between James B. Holmes's and Hiram Kirk's on said road.

SEC. 2. *Be it further enacted,* That the above named commissioners shall be governed in all respects by an act entitled an act to locate certain State roads therein named, and for other purposes, approved January 15, 1844.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXVII.

An Act to incorporate the Lafayette Bridge Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Elias Lyman Beard, Henry L. Ellsworth, John Perdue, Rudolph S. Ford and William P. Heath, and such persons as they may from time to time associate with themselves, under the provisions of this act, be, and they are hereby constituted a body politic and corporate, under the name and style of the Lafayette Bridge Company, and by that name shall be capable of holding real estate sufficient to carry into effect the provisions of this act, and of suing and being sued, pleading and being impleaded, defending and being defended, both in law and equity, in all cases whatsoever; and shall have full power and authority to ordain and establish all such laws, rules and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be deemed necessary for the good management and interest of said company.

SEC. 2. The capital stock of said company shall be seventy-five thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. Whenever the persons named in the first section of this act shall desire to associate other persons with themselves as stockholders under this charter, it shall be their duty to give public notice thereof in some public newspaper of said county, for three weeks prior to the opening of books for receiving subscriptions of stock as hereinafter provided.

SEC. 4. After the publication aforesaid, it shall be the duty of the first persons named in this act, to open books, at some public and convenient place in the city of Lafayette and elsewhere, for receiving subscriptions to the capital stock of said company.

SEC. 5. Whenever one hundred and fifty shares of the stock of said company, including the amount that may be taken by the persons named in the first section of this act, shall be subscribed, they shall give at least three weeks' notice, by publication as above provided, of the time and place of the meeting of the stockholders, to choose directors; and at the time and place appointed, the stockholders shall choose five directors, being stockholders of said company, who shall serve one year, and until their successors are chosen and qualified; a majority of whom shall be a quorum to transact business. The annual election for directors thereafter, shall be held at such time and place as the stockholders, at their first meeting, shall appoint. The directors thus chosen, shall, as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary, and such other officers as may be necessary: *Pro-*

vided, That should the stockholders, at any annual election, neglect or fail to elect directors as provided in this section, the company shall not, on that account, be dissolved; but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen as aforesaid.

SEC. 6. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times, and in such proportions, as they may think proper, not exceeding twenty-five per cent. of the amount of stock, every six months, by giving thirty days' notice in some public paper, printed in the town of Lafayette, or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the company may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be absolutely forfeited to the company.

SEC. 7. In all elections for directors, each stockholder shall be entitled to vote, either in person or by proxy, under such regulations as may be prescribed by the directors, according to the following scale, to-wit: For each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote; for every three shares above fifteen, one vote.

SEC. 8. Half yearly dividends of so much of the profits as the company may deem expedient, shall be made on the first Mondays in January and July in each year, and paid to the stockholders or their legal representatives, as soon thereafter as it can be done with convenience.

SEC. 9. All the privileges of this act shall be as fully enjoyed by the persons named in the first section of this act, should they desire to form this company individually, as though other persons were associated as stockholders.

SEC. 10. The said company are hereby authorized to erect a bridge across the Wabash river, from some point to be determined and fixed upon by said company, in the old town plat of the town of Lafayette, in Tippecanoe county, to the opposite bank of said river; and said company shall have and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantities of ground for the erection of abutments, toll houses, and all necessary causeways, bridges and embankments.

SEC. 11. When said bridge shall be completed, the said company may erect a gate at or near either or both the ends of said bridge,

and demand and receive a toll not exceeding the following rates, viz: For every four wheeled carriage drawn by two horses or oxen, twenty cents; for every additional horse or ox attached to the carriage, five cents; for every wagon or cart, sleigh, sled or cutter, drawn by one horse, fifteen cents; for every cart, sleigh or sled, drawn by two horses, twenty cents; for each horse or mule, five cents; for each head of cattle, three cents; for every sheep or hog, under the number of fifty, one cent; for every sheep or hog over that number, one-half cent; for every foot passenger, five cents; and in analagous proportions of the foregoing rates for any animals and carriages; but all persons going to or returning from muster, when doing military duty, and all funeral processions, shall be exempt from paying toll.

SEC. 12. That if any person or persons shall wilfully impair or injure said bridge, he, she, or they, so offending, shall, upon conviction, be fined in any sum not exceeding one hundred dollars, and be liable to said company in treble the amount of the damages thus done, with costs of suit, to be recovered before any court of competent jurisdiction, in action of debt.

SEC. 13. If any person shall pass the gate without having paid the legal toll, he shall forfeit and pay to said company eight times the amount of legal toll, to be recovered by action of debt before any justice of the peace in said county.

SEC. 14. If any toll gatherer shall unreasonably delay or hinder any passage at the gate, or shall demand or receive more than the legal toll, he shall, for every such offence, upon conviction, be fined in a sum not less than five dollars, for the use of the county seminary of said county.

SEC. 15. The said bridge shall be built not less than twenty-five feet wide.

SEC. 16. If said bridge shall not be commenced within two years from the passage of this act, and completed within three years thereafter, this act to be null and void.

SEC. 17. The navigation of the Wabash river shall be preserved free from obstructions, and said bridge shall be built of sufficient height, or with a sufficient draw bridge, to admit steam boats under or through; and the State hereby reserves the right to improve the navigation of the Wabash river in any manner that may most conduce to the interest of the State.

SEC. 18. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held: they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable only on the books of said company; but such stock shall at all times be holden by, and a lien is hereby granted to, the company, for any debts due from the holders thereof to the company.

SEC. 19. That the act entitled "An act to incorporate the Wabash and Lafayette Bridge company," approved February second, 1837, be, and the same is hereby repealed.

SEC. 20. The legislature reserves the right to alter, amend, or repeal this charter whenever the public good may require it.

SEC. 21. This law to be in force from and after its passage.

CHAPTER CXXXVIII.

An Act for the extension of the time of holding the Probate Courts in the county of Allen, and for other purposes.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of the county of Allen shall be allowed to sit two weeks, if the business shall require it.

SEC. 2. The judge of said court shall be allowed, in addition to his present allowance, one dollar per day, to be paid out of the county treasury.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXIX.

An Act regulating the jurisdiction of Justices of the Peace in Lake and Porter counties.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the jurisdiction of justices of the peace in the counties of Lake and Porter, in all civil cases, shall in all respects be governed by the provisions of the twenty-fourth section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and nothing in the revised code of 1843, shall be so construed as to affect the jurisdiction of justices of the peace in the counties above named.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLX.

An Act to extend the term of February, A. D. 1845, of the Miami Probate Court.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the term of the Miami probate court of February A. D. 1845, shall be and continue two weeks, if the business so long require it.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXLI.

An Act declaring Lick Creek, in Owen county, a public highway.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of Lick creek, in Owen county, which lies between Aaron Hubble's mill and its junction with Eel river, be and the same is hereby declared a public highway.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CXLII.

An Act declaring a Road in Tippecanoe county a State Road.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the county road, commencing at the north west corner of section two, township twenty-one, north of range five west; thence west on the line between township twenty-one and twenty-two, to the east line of range six west, be and the same is hereby declared a State road, not less than forty, nor more than sixty feet wide.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act to regulate Judicial Notices in the county of Daviess.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the circuit and probate courts of Daviess county shall designate the newspaper in which all notices of the pending of proceedings in their respective courts shall be published.

SEC. 2. That in all cases in which any legal proceedings in said courts shall be required by law to be commenced by notice in vacation, the party so commencing may select the newspaper in which such notice shall be published, subject to the confirmation of the said courts, respectively.

SEC. 3. That notices of all judicial sales of lands shall be given by posting up written or printed notices of such sales at the court house door in said county, and in three of the most public places in the township in which the lands to be sold are situated.

SEC. 4. That nothing in this act contained shall be so construed as to dispense with the proof of such notices now required by law to be made.

SEC. 5. That this act shall be in force from and after its passage.

CHAPTER CXLIV.

An Act to legalize the official acts of Mark Manlove, Road Commissioner.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the acts of Mark Manlove in his official capacity as road commissioner, in compliance with a law approved January 15, 1844, that the survey and report of said commissioner is hereby legalized and confirmed, and shall be as such received and acknowledged by the county commissioners of the different counties through which said road passes.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLV.

An Act to vacate a part of a certain State Road in the county of Wayne.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That that part of the State road leading from Hagerstown Wayne county, by the way of the town of Franklin in said county to Muncietown in the county of Delaware, which lies between the State road leading from Cambridge City to Fort Wayne and said town of Franklin, running through section four, (4) township seventeen, (17) and section thirty-three, (33) in township eighteen, (18) range twelve (12) east, be and the same is hereby vacated.

SEC. 2. This act to be in full force and effect from and after its passage.

CHAPTER CXLVI.

An Act to change the time of holding the Probate Courts in the county of Martin.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts of the county of Martin shall be holden on the fourth Mondays in January, April, August, and October, and may sit six days at each term thereof, if the business shall require it.

SEC. 2. This act to take effect and be in force from and after the first day of March next; and the Secretary of State is hereby directed to forward a certified copy of this act to the clerk's office of said county.

CHAPTER CLXVII.

An Act to amend an act entitled "An act for the relief of Ann Frankbower," approved January 15, 1844.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Frankbower wherever it occurs in the act to which this is an amendment be and the same is hereby declared to be a misprint, and that said name wherever it occurs in said act shall be understood, and it is hereby declared to mean Frankboner.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLVIII.

An Act to incorporate the Crawfordsville and Wabash Rail Road Company.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Crawford, Henry S. Lane, William Binford, John Wilson, John Burk, Jacob Winn, Joel Lee, James Busenbury, Jacob Chrisman, Abijah O'Neal, Ozra P. Jennison and Joshua Harrison, of the county of Montgomery, and their successors in office, be, and they are hereby declared a body politic and corporate, and by the name and style of the President and Directors of the Crawfordsville and Wabash Rail Road Company; shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever; to make and use a common seal, and the same to alter or change at pleasure, and shall be, and are hereby authorized and empowered to make contracts, and make and enforce the necessary by laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and Constitution of this State.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them,

shall meet at such time and place as they may agree on, and organize said corporation by electing one of the body president, and after such organization, any five of them shall be a quorum to do business.

SEC. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act: they shall keep a journal of their proceedings, in which shall be entered all by laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment; which journal and proceedings shall, from time to time, be signed by the president. They may sit on their own adjournment, or meet on the call of the president; when the president is absent from a meeting, they shall appoint one of their number president pro tempore; and they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened at such times and places as they may choose; due notice of which shall be given in some public newspaper, printed and published in the vicinity of said rail road; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times, as the President and Directors of the Crawfordsville and Wabash Rail Road Company may direct. Witness our hands, this day of 18 ."

SEC. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said rail road company; and the said corporation may, by their officers or authorized agent or agents, offer for sale in any of the States of the United States, any amount of their stock, upon such terms and conditions as may be thought advisable; and said corporation shall have power to borrow money, (on their own credit,) upon such terms as may be agreed upon by the parties. The said corporation may require such sums of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper; but the amount required to be paid on each share subscribed for, shall be made known in the notice for opening the books; and any future instalments or payments on stock, shall be under the control of, and regulated by the said company, subject to the restrictions hereinafter mentioned.

SEC. 7. As soon as two hundred shares of said capital stock are subscribed for, and the amount required in said notice to be paid on each share at the time of subscription, shall have been paid in, it shall be the duty of said corporation to give three weeks' notice thereof, in some public newspaper or newspapers, near to said rail road, and in said notice, appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders, and citizens of this State, and which election shall be by ballot, and

conducted under the superintendence of an inspector and two judges, selected by a majority of the stockholders present at such election; and the thirteen persons receiving the highest number of votes, shall be declared duly elected. In all elections, each share shall entitle the owner thereof to one vote; and any person or persons being the owner or owners of more than one share of said stock, shall be entitled to a vote for each share; the vote or votes, in all cases, to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies or legal representatives.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be held on the first Monday in January in each year, to be conducted in all respects as specified in section seven of this act: three weeks' notice in some public newspaper near to said road, shall be given by the said board of the place of holding such election; and the directors elected at any such annual election, shall hold their offices for one year, and until their successors are elected and qualified: but should no election be held on said first Monday in January in any year, it shall be lawful to hold an election on some other day to be appointed by said board, of which notice shall be given as above in this section specified, and to be conducted in the same manner as is provided for in section seven; and the directors thus elected, shall hold their offices until the next annual election, and until their successors are elected and qualified.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president, and countersigned by the clerk of said company. The stock shall be transferred on the books of the corporation only by the person or persons owning the same, in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustee or guardian; and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, or for any sums that may thereafter become due on any contract made with said corporation prior to such transfer.

SEC. 11. The said corporation shall have power to call for such portions of the stock subscribed for, (not exceeding fifteen per cent. every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper near the said road, or by giving to the stockholders written notice; in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect or refuse to pay the sum so called for, on his, her, or their stock, within ten

days after the time named for such payment, in said notice, the corporation may bring suit against such delinquent, for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect or refusal; and the evidence, to establish such claim of the corporation, shall be the order in the journal of the proceedings of said corporation calling for the instalment on the stock and proof that the notice above specified has been given; and if the amount, so recovered against any such delinquent, cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their said journal of proceedings, declare such stock and all that may before have been paid thereon, forfeited to said corporation; and no delinquent, after the failure, neglect or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or receive any dividends on his, her or their stock, until the corporation is fully paid and satisfied; and should any such delinquent or delinquents be a director or directors, in said corporation, his or their offices of director or directors may be, by the balance of said board, declared vacated, and they may proceed to fill, from the qualified stockholders in said corporation, such vacancy or vacancies in such board of directors; and the person or persons so appointed shall hold their office or offices until the next annual election and until their successors are elected and qualified: The corporation shall require of all officers, and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties or undertakings.

SEC. 12. The said corporation shall have power by themselves or agents to examine, and survey, and locate a route, and make and construct on such route a railroad from some convenient point in the town of Crawfordsville, Montgomery county, to some convenient point on the Wabash and Erie canal at or below the city of Lafayette, in Tippecanoe county, or at or near the town of Covington in Fountain county, or at any point between the above named places; the commencement of said railroad route shall be in said town of Crawfordsville, but the particular point of commencement in said town shall be designated and established by the board of directors next succeeding those in this bill mentioned, and the terminating point of said railroad route shall be designated and settled by the same board of directors, and when said board shall have designated and settled upon the commencing and terminating points of said railroad route, they shall record the same in the journal of proceedings of said board, which shall preclude the said corporation from ever designating or fixing any other points of commencement or termination, and when said points of commencement and termination shall have been designated and settled as before mentioned, the said corporation shall have power, and they are hereby authorized by themselves or agents, to examine, survey, and locate a railroad route from

such commencing to such terminating point on the most suitable ground, and such as will be most conducive to the public good and the interest of said corporation; and to build and construct a railroad on such route, and to fit the grade and superstructure of such railroad for such motive power as may be determined on by said corporation: *Provided, however,* That said railroad route shall not be located on any State or county road, without the said corporation first having obtained permission so to do from the board of county commissioners of the county in which a State or county road is sought to be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable during the existence of this corporation: *Provided,* Said corporation before asking for the use of such State or county road shall give three weeks' notice in some newspaper printed in the county where such application is to be made.

SEC. 13. And for the purpose of making such examination and location of said railroad route, it shall be lawful for the said corporation, and their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials necessary for the construction of said railroad; but no stone or wood or other materials shall be taken away from any land without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained.

SEC. 14. It shall be lawful for said corporation either before or after the location of said railroad, to obtain from any person or persons through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road; also, the stone, timber, and other materials that may be obtained on said route; and may contract for any stone, timber, and other materials on any lands near to said road, for the benefit of said corporation, and said corporation may receive by gift, grant, donation, or bequest made and entered into in writing by any person or persons capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, lands, money, labor, stone, timber, or any other kind of property, and all such gifts, grants, donations, and bequests, shall be binding and obligatory, and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided,* That no such contracts, relinquishments, gifts, grants, donations, or bequests shall be binding and obligatory unless the same be in writing and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic, or corporate shall in any way interfere with, molest, disturb or injure said corporation in any of the rights and privileges granted.

SEC. 16. The said corporation shall commence the construction of said road within two years from and after the passage of this act, and shall finish the same within ten years thereafter.

SEC. 17. That the said corporation for the conveyance or transportation of passengers or any kind of freight, on said road, or any portion of it, may charge such sums of money as shall best comport with the interests of said company, and as shall not be considered oppressive.

SEC. 18. Any person who shall wilfully, mischievously, or maliciously destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing belonging or appertaining to said railroad, or shall wilfully, mischievously, or maliciously place any obstruction on said railroad, shall, on conviction thereof, by presentment or indictment, be fined in any sum not exceeding five hundred dollars, and shall, moreover, be liable in an action on the case to any person or persons, bodies politic or corporate, for any and all injuries to persons or property occasioned thereby.

SEC. 19. The said corporation shall cause to be kept a fair account of the cost of the making and repairing of said road, and every section thereof, with all incidental expenses, and shall also keep a fair account of any and all moneys received from the transportation of freight, mails, or other property, or passengers on said road; and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

SEC. 20. It shall be lawful for the board of county commissioners of any county interested in said road, to subscribe for and take for and on behalf of, and for the use of such county, such an amount of stock as they may think proper; the taking of which stock shall be by an order of such board of commissioners on their order book.

SEC. 21. Should any person or persons, bodies politic or corporate, having subscribed for any share or shares of the capital stock of said company, feel disposed to withdraw and cancel his obligation for stock subscribed for, he shall be at liberty to do so at any time before going into the election of directors to succeed those in this act specified, but not after.

SEC. 22. The State of Indiana hereby gives to said company, and authorizes them to use, occupy, and enjoy the privilege of one of the passages of all the bridges, and the use of the present turnpike grade into and off from said bridges, which she has made between the towns of Crawfordsville and Lafayette, and said State relinquishes to said company a right of way along on the route of the turnpike between said two places in this section above specified, and authorizes said company to make a railroad on said route: *Provided,* Said company shall not lessen the width of the present grade, except on the first two miles from Crawfordsville, which may be reduced to twenty-two feet specified, she also grants to said company the right to use and occupy the berm bank of the Wabash and Erie canal from the point where said railroad route may strike the canal up into

the said city of Lafayette, also the right and privilege of increasing the width of the culvert [over] Durker's run, made by said State, and also the right to use said culvert and berm canal bank for said railroad route, if said company can do so without in any particular lessening the value of said canal to said State, or in any way interfering with the use of said canal, and provided that when said company shall have made an election of the side of said grade and bridges they will use, they shall be confined to the use and occupancy of such side, and they shall use the same side of the grade and bridges and not change from one side to the other.

SEC. 23. That said railroad company is hereby required *bona fide* to take stock to the amount of one hundred thousand dollars of the capital stock, and pay into the proper treasury, in cash, fifteen per cent. on the above amount, within six months after the passage of this act, and if default be made, this act of incorporation to be null and void.

SEC. 24. The stockholders in said corporation shall be liable in a just ratio or proportion to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock, and in case of a sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion from any debt or debts incurred or created during his, her, or their possession of said stock.

SEC. 25. That this charter shall be subject to repeal upon the violation by the said corporation of any of the provisions herein.

SEC. 26. This act is hereby declared a public act, and shall receive a liberal construction.

SEC. 27. This act to be in force from and after its publication.

CHAPTER CXLIX.

An Act to legalize the acts of John Harden, Justice of the Peace of Hamilton county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of John Harden, a justice of the peace of Hamilton county, be and the same are hereby legalized, so far as the same may be affected by the said John Harden being an alien.

CHAPTER CL.

An Act to incorporate the Proprietors of the Lawrenceburgh Cemetery.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from the time this act shall take effect, Stephen Ludlow, Isaac Dunn, George P. Buell, William Tate, William McCullough, William Craft, George Tousey, and William Brown, and their associates and successors, be, and they are hereby constituted a body corporate, under the name of the Lawrenceburgh Cemetery, by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter by-laws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to secure a place of interment of the dead.

SEC. 2. Any person may become a member of this corporation, by becoming the owner of one or more cemetery lots, as the same shall be laid off by the board of directors; but no member shall have more than one vote.

SEC. 3. The affairs of the corporation shall be managed by a board of directors, consisting of five persons, members of the corporation; and the first election shall be held at a time and place to be designated by the persons above specifically named, or a majority of them, of which election one week's notice shall be given by publication in some newspaper published in the town of Lawrenceburgh, at which election, each person who shall have become the owner of a lot in said cemetery, shall have a vote; and the directors when so elected, shall hold their offices until their successors shall be chosen and qualified.

SEC. 4. An election for directors shall be held on the first Monday in February in each year thereafter, of which the secretary shall give previous notice by publication as aforesaid; a quorum of the board shall consist of persons.

SEC. 5. The board of directors shall, at their first meeting after each election, elect by ballot, a president from their own body, and another person from the members of the corporation to act both as secretary and treasurer.

SEC. 6. This corporation is authorized to purchase or take by gift or devise and hold, exempt from execution and taxation and fraud, any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding four acres of land; and no lots in such cemetery shall be sold for less than ten dollars per square rod, until the purchase money of any land bought by said corporation shall be fully paid for, with all expenses incurred in the enclosing, surveying and embellishment thereof, and after paying for such land, the lots

then remaining may be sold on such terms as the board of directors shall prescribe, and the receipts from sales thereafter made, or arising from any other source, shall be applied exclusively, under the direction of the board, to laying out, preserving and embellishing the cemetery, and to paying the necessary expenses of the corporation.

SEC. 7. The original conveyance of lots by the corporation to individuals, shall be evidenced by a certificate signed by the president and countersigned by the secretary, specifying that such a person is the owner of such a lot; and such certificate shall vest in the owner, his heirs or assigns, a perpetual right to the use of such lot, exempt from execution, attachment or taxation, for the sole purpose of interment, under the regulations of the corporation, or to be transferred by him to others for that sole purpose; such transfers to be made only on a book of the corporation to be kept for that purpose, with the assent of the board of directors.

SEC. 8. The board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating them by consecutive numbers, of which any person applying and paying therefor, shall have the selection among the unappropriated lots, at the time of such application.

SEC. 9. The board shall have power to enclose, improve and adorn the grounds as they may deem proper, and prescribe rules for the enclosing lots therein, and to prohibit any use or division of a lot which they may deem improper.

SEC. 10. Any person who shall wilfully destroy, deface or injure any tomb or grave stone, or fence railing, or any other structure or monument placed in said cemetery, or wilfully injure or cut any tree, shrub or plant, growing therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars.

SEC. 11. This act shall be regarded as a public act, and be in force from its passage.

CHAPTER CLI.

An Act vacating a part of a State Road therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of a State road leading from Sparta, in the county of Noble, to Jamestown, in the county of Elkhart, be and the same is declared vacated, to-wit: Commencing at the town

of Milford, in the county of Kosciusko, running a north-west course about two miles, until it intersects the south line of section six, one quarter of a mile west of the south-east corner of the above named section, in township thirty-four, range six east; and thence north until it intersects the Sparta and Jamestown State road.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CLII.

An Act to locate a State Road in the county of Marshall.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Adam Snyder, George Vinnedge, and Nathaniel Palmer, of the county of Marshall, be and they are hereby appointed commissioners to view, mark and locate a State road in said county, commencing at the court house square in Plymouth, and running a north-west direction, on the nearest and most suitable route to Robert Johnson's dwelling, and from thence on the nearest and most suitable route to the county line at Yellow Banks, near David Knott's farm.

SEC. 2. Said commissioners are hereby required to cause a survey and report of said road to be made to the board doing county business in said county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLIII.

An Act for the relief of Alexander Beard.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Agent of State be, and he is hereby authorized to pay to Alexander Beard the sum of two thousand six hundred and ninety-four dollars and fifty-three cents, out of any funds which he may have received on account of the suspended debt, and not otherwise appropriated; it being the amount of the certified estimate

made by the resident engineer of the amount of work done by the said Alexander Beard on sections number fifteen and sixteen of the Cross-cut Canal, and which is to be in full satisfaction of all claims of the said Alexander Beard against the State, up to this time.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLIV.

An Act for the relief of George French of the county of Adams.

[APPROVED JANUARY 13, 1845.]

WHEREAS, George French of the county of Adams, now stands indicted in the Adams circuit court, for a violation of the seventy-fifth section of chapter fifty-three of the revised statutes of 1843: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said French be, and he is hereby released from said indictment and said charge; and the prosecuting attorney of said county is hereby directed to enter a *nolle prosequi* to said indictment, at the next term of said Adams circuit court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLV.

An Act for the benefit of John Yount and Philip Weaver.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Yount and Philip Weaver be, and they are hereby authorized to turn the water, which is now conveyed in a race, about two miles, running parallel with the Wabash and Erie canal, together with the water in Young's creek, into said canal, under the direction of the engineer in charge of the work, and convey the same to the town of Attica in the canal, with the privilege of taking out and using the same quantity of water from the canal, for propelling machinery, that the said Yount and Weaver turn into it:

Provided however, That at no time shall there be more water used, than the said race or tributary above named affords said canal.

SEC. 2. That said John Yount and Philip Weaver, for and in consideration of the above grant, hereby relinquish all their claim to damages sustained on their water power on Young's creek, about five miles above Attica, by the construction of the canal.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLVI.

An Act for the relief of the Creditors of John Graves, late of Clay county, deceased.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrator of the estate of John Graves, deceased, be, and he is hereby authorized to sell the real estate of said decedent, which may be situate in the county of Clay, without regard to the appraised value thereof, any law or usage to the contrary notwithstanding: *Provided however*, That nothing in this act contained shall be so construed as to authorize a sale of the whole or any part of said lands in any other manner different from the orders and decrees of the Clay probate court, made or to be made, than as to the price for which the same may be sold: *And provided also*, The said probate court, on the report of such sale being made, may approve and confirm the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act amendatory of an act entitled "An act for the relief of the sureties of William H. Darnall, former School Commissioner of Hendricks county."

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of said act shall be so construed that the purchaser or purchasers of the lands and property sold under the provisions of the act to which this is amendatory, shall give mortgage security on other lands than those sold, to double the amount of said sale or sales, founded on said judgments.

SEC. 2. This act to be in force from and after its passage, and the Secretary of State is hereby required to forward a certified copy of this act to the clerk of Hendricks county.

CHAPTER CLVIII.

An Act for summoning Grand and Petit Jurors in the counties of Madison and Hancock, and fixing their fees.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter there shall be drawn by the board doing county business, and summoned, only fifteen persons to serve as such grand jurors at each term of the circuit court of the counties of Madison and Hancock.

SEC. 2. Each of the grand jurors, who shall serve as such as aforesaid, shall be allowed the sum of one dollar per day, to be paid out of the county treasury of said counties.

SEC. 3. At each term of said courts hereafter to be holden, in each case to be tried by a jury, it shall be the duty of the sheriffs of said counties, or other officers under the direction of the courts, to select from among the citizens, householders or freeholders of said counties, twelve jurors to try such case, who shall be subject to the same obligations, and in all things governed in the same manner, as petit jurors are now subject to and governed, any law to the contrary notwithstanding.

SEC. 4. Each traverse juror serving as such, in the circuit courts of said counties, shall be allowed the sum of thirty-seven and one half cents for each trial, to be taxed against the party losing such suit.

SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER CLIX.

An Act to amend the seventh article of the thirteenth chapter of the Revised Statutes, so far as the county of Lawrence is concerned.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seventh article of the thirteenth chapter of the revised statutes be and the same is hereby amended by substituting the word "June" instead of the word "March," wherever the same shall occur in the said article, so that the officers required in and by the provisions of said article to make their reports to the board of county commissioners at the March term thereof, shall make their reports to the board at the June term thereof.

SEC. 2. This act shall only be applicable to the county of Lawrence, and shall have no effect as to any other county.

SEC. 3. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a certified copy of the same forthwith to the county auditor of the said county of Lawrence.

CHAPTER CLX.

An Act authorizing the County Commissioners of the county Dekalb to assess a road tax.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county commissioners of the county of Dekalb,

may, at their June session in each year, assess such amount of road tax, in addition to the tax already provided for by law for road purposes in said county, as in their discretion the interest of the county may require.

SEC. 2. This act to be in force from and after its passage.

SEC. 3. The Secretary of State is hereby required to forward a copy of the above act to the auditor of Dekalb county.

CHAPTER CLXI.

An Act for the relief of the heirs and legal representatives of Hezekiah B. Luckett and Sarah Yandel.

[APPROVED JANUARY 11, 1845.]

WHEREAS, It is represented to this General Assembly, that one Samuel Yandel, late of Harrison county, deceased, did by deed of gift, bearing date the eighth day of January, 1833, under doubtful circumstances, give and bequeath unto his daughter Sarah Yandel, a certain tract of land situate in the said county of Harrison: AND WHEREAS, The said Sarah Yandel by her last will and testament, gave and bequeathed said land unto one Hezekiah B. Luckett, an illegitimate child of one Sarah Shemp, whom the said Sarah Yandel had raised and maintained at her own and her father's expense from an infant: AND WHEREAS, On the sixteenth day of September, 1843, the said Sarah Yandel died, leaving her said will unrevoked, and on the seventeenth day of the same month and year, the said Hezekiah B. Luckett died, intestate, and without issue: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the legal title to the lands and tenements, rights, credits, moneys and effects vested in the State of Indiana, by the demise of Hezekiah B. Luckett, late of the county of Harrison, who died intestate, are hereby declared to descend to the heirs and legal representatives of Sarah Yandel, late of the said county of Harrison, deceased, as fully as the same would have done, had the said Sarah Yandel died intestate.

SEC. 2. Sarah Shemp, mother of the said Hezekiah B. Luckett, shall be entitled to receive, out of the personal estate of the said Luckett, the sum of two hundred dollars, which shall be paid over to the said Sarah Shemp by the administrator, out of the first moneys

arising from the sale thereof; and nothing in the first section of this act shall be so construed as to prevent the payment of the same, as provided for by this section.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXII.

An Act to authorize the construction of a Levee on the banks of Blue River, in Shelby county.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for any person or persons to construct a levee or levees on either side of Blue River, in Shelby county, sufficient to protect the agricultural interest of the county: *Provided however,* That in constructing said levee or levees, regard shall be had to the interest of the owner of said lands, through which said levee shall be so constructed.

SEC. 2. That any person or persons, who shall injure or destroy any levee or levees so constructed, shall be liable to pay the full amount of damage so done, with costs of suit, to be recovered in an action of trespass, before any court having competent jurisdiction of the same.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXIII.

An Act to amend the fifth article of the twelfth chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be the duty of the county treasurer of the county of Morgan, in addition to the duties imposed in the fifty-fourth section of the article and chapter above recited, to attend

at least one day at the place of holding elections in each township in said county, between the fifteenth day of November and the fifteenth day of December in each year, for the purpose of receiving taxes: *Provided*, That he shall attend at least two days in each of Brown and Monroe townships.

SEC. 2. That it shall be the duty of the county treasurer to give at least four weeks' notice, by posting up three advertisements in each township throughout the county, one of which shall be at the place of holding elections in each township, stating in such notices on what day or days he will attend for the purpose of receiving taxes.

SEC. 3. That all laws or parts of laws contravening the provisions of this act, so far as relates to the county of Morgan, be, and the same are hereby repealed.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXIV.

An Act to amend an act, entitled "An act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company," approved January fifteenth, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the sixth section of the above recited act as reserves to the legislature the right to amend or repeal said charter at any time, is hereby repealed.

SEC. 2. The provisions of an act to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company, and approved February seventh, 1835, are hereby extended to the above named companies, and is hereby declared to be in full force, except so much thereof as is provided for in the act to which this is an amendment.

SEC. 3. The incorporated companies named in the act to which this is an amendment, may, if they deem it expedient, authorize the subscription of any amount of stock, payable in produce or labor; or if said incorporated companies named in the act to which this is an amendment deem it expedient, they may provide that any proportion of stock subscribed, may be paid in produce or labor, in such a way as they may, by their by laws, direct.

SEC. 4. This act shall be in force and take effect from and after its passage.

CHAPTER CLXV.

An Act to authorize William Conner and John D. Stephenson to erect a mill dam across White River, in Hamilton county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Conner and John D. Stephenson, be, and are hereby authorized to erect a mill dam across White River, at their mill seat, which is situated on the north-east quarter of section sixteen, in township nineteen north, of range five east, in Hamilton county, Indiana.

SEC. 2. The said Conner and Stephenson shall be entitled to the benefit of the writ of ad quod damnum, to condemn lands sufficient to construct said dam.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXVI.

An Act for the relief of Ebenezer A. Goddard, of Adams county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, Ebenezer A. Goddard, of the county of Adams, now stands indicted in the Adams circuit court for a violation of the seventy-fifth section of chapter fifty-three, of the Revised Statutes of 1843: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Goddard be, and is hereby released from said indictment and said charge, and the prosecuting attorney of said county of Adams, is hereby authorized and directed to enter a *nolle prosequi* to said indictment, at the next term of said Adams circuit court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXVII.

An Act to locate a State Road in Sullivan county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Orson Willard, Preston Nash, and Justus Davis of Sullivan county, be and they are hereby appointed commissioners to review, mark, and locate said road as follows, to-wit: Beginning at Carlisle, in said county of Sullivan, thence on the nearest and best route, by way of New Lebanon to the Narrows, on the Wabash river.

SEC. 2. Such commissioners shall meet at any time before the first day of July 1845, that may be agreed on by them, at the town of Carlisle, and proceed to carry out the provisions of this act according to the law in regard to highways.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXVIII.

An Act to change a part of a State Road in Tippecanoe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the Pleasant Hill and Fulton State road as lies between a small white oak marked and designated in said road, and where the same crosses the section line dividing sections twenty-seven and thirty-four, in township twenty-two north, and range six west, be and the same is hereby vacated, and said road is hereby changed and located as follows: Beginning at the above mentioned white oak, thence north fifteen and a half degrees, west eighty-nine poles to the section line, dividing sections twenty-seven and thirty-four; thence with said section line west sixty-nine poles to a stake in the section line, where the original survey of said road crosses the same.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXIX.

An Act legalizing the proceedings of the Board doing county business in Martin county, and also of James Dilley, as Treasurer and Collector.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the board doing county business in and for Martin county, at their September term, 1844, in the matter of the appointment of James Dilley as county treasurer and collector, be and the same are hereby legalized, and that all the acts and doings of the said Dilley under and by virtue of said appointment, are hereby legalized and rendered as valid as if he had advertised for the collection of taxes in the different townships of said county six weeks previous to the first day of October 1844, and that the said Dilley, as such treasurer and collector, shall have full power and authority to proceed and discharge all the duties required of him by law, in the same manner as if he had advertised in manner aforesaid.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXX.

An Act for the relief of purchasers of School Lands in the counties of Randolph and Delaware.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of final payment of the purchase money for school lands for township number eight in Monroe county, lying in the counties of Randolph and Delaware, is hereby extended for the term of five years from and after the expiration of the term of time heretofore allowed the purchasers of said lands.

SEC. 2. That any purchaser or purchasers of any of said lands, who may have failed to pay the interest due upon said lands respectively, the past year, shall be permitted to redeem the same previous to the first day of August next, by the payment in full of all interest due thereon.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXI.

An Act to authorize the School Commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Charles E. Dewolf, and Joseph Bartholomew.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of the county of Porter be, and he is hereby authorized to sell to Benjamin N. Spencer, Charles E. Dewolf, and Joseph Bartholomew, a certain piece of school land known and described as follows, to-wit: Commencing at the centre, east and west, of section sixteen, in township thirty-three; thence running south-west to the south line of said section, about one hundred and ten rods, and fifty feet in width.

SEC. 2. The school commissioner of said county of Porter is hereby authorized to make a deed in fee simple to the said Benjamin N. Spencer, Charles E. Dewolf, and Joseph Bartholomew, for any consideration a majority of the citizens of said township may deem sufficient.

SEC. 3. All laws now in force contravening the provisions of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXII.

An Act to change the name of the town of New Market in the county of Miami, to Chili.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of New Market, in the county of Miami, be and the same is hereby changed to that of Chili.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CLXXIII.

An Act providing for the fees of Auditor of Hancock county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Hancock be and they are hereby authorized and required to make such allowance, out of the county treasury of said county, to the auditor of said county, for his services in doing county business, as to them shall seem just and reasonable: *Provided*, The same shall not be a less sum than one hundred and fifty dollars.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIV.

An Act to improve the breed of Horses in Jay county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the treasurer of Jay county, upon the payment of the sum of three dollars to him by the owner or keeper of any stallion, to be kept during the season in Jay county, to certify the same to the county auditor, who shall thereupon issue a license to such owner or keeper.

SEC. 2. Any owner or keeper of any stallion who shall let the same to mares, within the county of Jay, without first obtaining such license, shall forfeit and pay the sum of one dollar for each offence, to be recovered before any justice of the peace within said county, in an action of debt, to be brought by and in the name of the county treasurer, and when collected, to be paid into the county treasury for the use of said county.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CLXXV.

An Act to correct an error in an act entitled "An Act to authorize the Board doing county business, in the county of Clay, to transcribe a certain record therein named, and for other purposes," approved February 9, 1843.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That record book of deeds marked B, be and the same is the true book of record, named and designated as record book of deeds marked A, in the act aforesaid, and shall be so read and construed.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXVI.

An Act to authorize the County Commissioners of White county to grant license to Clock Pedlers.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of the county of White, be and they are hereby authorized to fix at any regular session the amount to be charged for licences to sell clocks in said county, not exceeding fifty dollars in any one year.*

SEC. 2. All laws and parts of laws contravening the provisions of this act be and they are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXVII.

An Act for the relief of the County Seminary of Tippecanoe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act to assist and make common schools more effective," approved February 2, 1843, be and the same is hereby suspended for the term of two years, from and after the passage of this act, so far as the same relates to the county of Tippecanoe: Provided, That all such forfeitures shall only be suspended until the present debt of said county seminary shall be fully paid: And provided further, That this act shall not be operative until the board of county commissioners, at some regular session of said board, shall by order entered on the records of their proceedings, accept of this act.*

SEC. 2. This act to be in force from and after the acceptance thereof by said county board, and the Secretary of State is hereby directed to forward a certified copy thereof to the auditor of Tippecanoe county.

CHAPTER CLXXVIII.

An Act to vacate the town of Berlin, in the county of Fayette.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the town of Berlin, in Fayette county, be and the same is hereby vacated.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

An Act for the relief of Tax Collector of the county of Greene.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Greene, be and they are hereby authorized and required to allow and pay over to the collector of said county such sum or sums of money as they may deem just and right, for extra services performed by said collector as such, in keeping a book showing the kinds of funds received by such collector, as taxes, from each tax-payer of the said county, which said sum or sums of money, when so allowed, shall be paid out of the county treasury of the said county of Greene.

SEC. 2. This act to take effect and be in force from and after its passage, and the Secretary of State is required to forward a copy hereof to said collector immediately.

CHAPTER CLXXX.

An Act to change the name of Faithsville to Parkersburgh, in Montgomery county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of Faithsville, in Montgomery county, in this State, be and the same is hereby changed to the name of Parkersburgh.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXI.

An Act limiting the Fees of Auditor in the county of Marshall.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Marshall, be, and they are hereby authorized and required to allow the county auditor of said county, out of the county treasury of said county, any sum not less than two hundred and fifty dollars, and not exceeding three hundred dollars for his services as such auditor, in doing county business in any one year: *Provided however,* That the said auditor shall receive the sum of two dollars per day for all time necessarily employed in the posting of the books and records of the office of said auditor, up to the first day of January, 1845.

SEC. 2. All laws contrary to the provisions of this act, be, and the same are hereby repealed, so far as the same may apply to the county of Marshall.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXXII.

An Act to legalize certain acts of Masters in Chancery in the counties of Fulton, Marshall, Laporte, Tippecanoe and St. Joseph, and for other purposes.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all masters in chancery in the counties of Fulton, Marshall, Laporte, Tippecanoe and St. Joseph, be, and they are hereby authorized to take all acknowledgements required by law to be taken to deeds and other instruments in writing.

SEC. 2. *Be it further enacted,* That all acknowledgements heretofore taken by masters in chancery in the said counties of Fulton, Marshall, Laporte, Tippecanoe and St. Joseph, be, and the same are hereby legalized.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXIII.

An Act allowing additional compensation to the Auditor of Monroe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Monroe county, are hereby authorized and required to make such allowance to the auditor of said county from time to time for his services, in addition to his present salary, as they, in their discretion, shall deem just and reasonable.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIV.

An Act to repeal an act entitled "An act to change the mode of doing county business in the county of Scott."

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act to change the mode of doing county business in the county of Scott," approved February seventeenth, 1838, be, and the same is hereby repealed.

SEC. 2. The county business shall hereafter be done by a board of commissioners, to be elected every three years, in the following manner:

SEC. 3: The three civil townships in said county shall constitute the commissioners' districts; each district entitled to one commissioner, who shall be a resident of the district for which he is elected.

SEC. 4. Each commissioner shall be elected by the qualified voters of his district, separately, on the first Monday in August next, and every third year thereafter.

SEC. 5. Said commissioners shall be governed by the law now in force on that subject, except as to the mode of electing; and that each commissioner shall serve out the full term of time for which he was elected.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLXXXV.

An Act relative to the School Fund of township number ten north, of range number one west, in Monroe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several school districts in township number ten north, of range number one west, in Monroe county, are hereby authorized to receive and retain their distributive share of the interest arising from the school funds of said township, without expending the same, for three years: *Provided however,* That if the amount so drawn by the districts in said township, shall not be applied to the support of schools therein after the expiration of three years as aforesaid; then and in that case, the said funds shall thereafter be expended according to the provisions of the ninety-second section of the fifteenth chapter of the fifth article of the Revised Statutes of 1843.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXVI.

An Act to amend an act, entitled "An act to detach certain territory from the county of Miami, and attach the same to the county of Fulton," approved January fifteenth, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said act be, and the same is hereby so amended as to strike out the word "south," and insert "north," in the fifth line of said act, in the acts of 1844, page seventy-three.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXVII.

An Act for the relief of the Administrators of John Coce, late of Dearborn county, deceased.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Agent of State be authorized to pay to John P. Coce and Abraham Hyter, administrators of the estate of John Coce, late of Dearborn county, deceased, out of the suspended debt, the sum of two hundred and eighty dollars, as a full compensation for ten thousand cubic feet of oak and other timber taken off the lands of John Coce, and applied to the construction of the White Water Canal, by order of the resident engineer, for which he has never received compensation.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXVIII.

An Act for the relief of Joana Mahoney.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever satisfactory proof shall be produced to the Dearborn probate court, that James Mahoney, late of the county of Dearborn, deceased, hath left him surviving no heirs within the United States, and that all demands presented against his estate have been paid, the said court shall be authorized to order and direct the administrator of said estate, to pay over to said Joana Mahoney, the residue of the personal estate of said decedent in his hands, not exceeding in amount one hundred dollars.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIX.

An Act to repeal the Posey county Road law.

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act to provide for the opening and repairing roads and highways in Posey county, approved January 28, 1843, be, and the same is hereby repealed.

SEC. 2. This act to be in force and take effect from and after its publication in the Indiana Statesman, published at New Harmony, Indiana.

CHAPTER CXC.

An Act to incorporate the Lafayette and Ohio Turnpike Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse Beura, William P. Heath, John Purdue, William Heaton, Joseph S. Scroggy, John W. Blair, James L. Russey, Allen Cole, Nineveh Berry, Loyal Fairman and Joseph Barton, and their associates and successors in office, be, and they are hereby created a body politic and corporate, for the purpose of constructing a McAdamized or turnpike road, leading from Lafayette, in Tippecanoe county, by way of Frankfort and Noblesville, to the east line of the State of Indiana, so as to intersect the Urbana, Troy and Greenville turnpike road in the State of Ohio at the State line, by the name of the Lafayette and Ohio Turnpike Company, and by that name they and their successors shall have perpetual succession, and all the privileges and immunities incident to a corporation, and may take, purchase and hold to them and their successors in fee simple, or for any less estate, any lands, tenements or hereditaments, and also any personal estate which may be necessary for the efficient prosecution of the object contemplated by this act; and shall be capable by their corporate name aforesaid, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of competent jurisdiction; and shall have and use a common seal, and the same to break, change or renew at pleasure: *Provided*, That the stock, funds, and property of said company shall be applied to no other use or purposes than is provided for by this act.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of ten dollars each; and said company is hereby invested with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president; and after such organization, any five of said board shall be a quorum to transact business.

SEC. 4. So soon as said company shall have duly organized themselves as aforesaid, they shall proceed to open books for subscription to the capital stock of said company, at Lafayette, and such other places as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opened at such time, and under such regulations, as shall be directed by said company.

SEC. 5. That as soon as one thousand shares are subscribed for, and one dollar paid on each share, to such person or persons as may be appointed by said company to receive the same, it shall be the duty of said company to give four weeks' notice thereof, in some public newspaper of this State, and in such notice appoint a time and place to meet and elect eleven directors, who shall be stockholders and citizens of this State; which election shall be held by, and conducted under, the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having received the highest number of votes shall be declared duly elected; in all elections by the stockholders of said company each stockholder shall be entitled to one vote for each share not exceeding ten; and for every two shares above ten and not exceeding twenty, one vote; and for every three shares above twenty and not exceeding fifty, one vote; and the directors thus elected shall hold their offices until their successors are elected: *Provided*, That said election, and all subsequent elections for directors, shall be by ballot; and said votes may be given by the person owning the same, or by one of any partners, or by any trustee or guardian, or administrator, or executor, or by the agent of any incorporation owning any of the stock aforesaid, and any person having a right to vote, may vote by proxy.

SEC. 6. After said first election, all subsequent elections shall be holden at Lafayette, on the first Monday in January in each and every year, and the directors thus elected, after having taken an oath or affirmation diligently and impartially to discharge the duties required of them by this act, shall hold their offices for one year, and until their successors are elected and qualified; and shall in like manner proceed to choose a president from their own body, who shall serve until his successor be elected: *Provided*, That if the election for directors shall not be holden at the time prescribed in this section, the company shall not be dissolved, but it shall and may be lawful to hold an election at any time, notice thereof being given as

prescribed by the fifth section of this act: *And provided also*, That the directors may appoint some place other than Lafayette, on said road, to hold any election for directors; but in such case, they shall give notice thereof as is required above.

SEC. 7. That the president and directors shall, in all cases, manage the concerns of the company, appoint such officers and agents as may be necessary; fill vacancies which may happen in their body, until the next annual election; make by-laws for the regulation and government of said company: *Provided*, The same shall not be inconsistent with the Constitution and laws of this State or of the United States; they may require such oaths or affirmations, bonds and securities of any of the agents of said company, as they may deem necessary; may call special meetings of the stockholders, always giving at least ten days' notice, as enacted in the fifth section of this act; keep a record of all the transactions of said company, and do all other matters and things touching the concerns of said company contemplated in this act.

SEC. 8. That if any stockholder in said company shall neglect or refuse to pay any instalment, after thirty days' notice of the time and place of payment, being in the manner provided in this section, he or she, as the case may be, shall, for every month the same may remain unpaid, forfeit and pay to said company, three per centum on the amount of such instalment, and should the same remain unpaid for the space of six months after the time the same was required to be paid, it shall be at the option of the directors to declare the stock of such delinquent forfeited to the company, together with whatever may have been paid thereon, or to collect the same, together with the penalty which may have accrued thereon by such forfeiture: *Provided always*, That this act shall not be construed so as to effect the estate of any deceased stockholder, until said estate can be legally settled; and no delinquent stockholder shall have a right to vote at any meeting of said company: *Provided*, That said company shall have power to call for such portion of the stock subscribed, not exceeding ten per centum of the whole amount, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving thirty days' notice thereof, in one or more of the public newspapers in the vicinity of said road.

SEC. 9. That the directors of said company may receive personal property and labor, and also real estate in payment of stock to said company, which real estate shall be valued as provided in the tenth section of this act, whenever the directors and the persons offering such real estate, are unable to agree as to the value thereof.

SEC. 10. That it shall be the duty of the Governor of the State of Indiana, upon application of the president of said company, to appoint three disinterested freeholders, resident in the county where said road may lie, as commissioners to appraise all real estate which may be offered in payment of stock to said company, whose duty it shall be, first being duly qualified to faithfully and impartially dis-

charge the duties of their office, to appraise all such real estate as they may be required to appraise by the president of said company, at a fair cash value, for which service they shall receive one dollar per day, to be paid by said company; and in case of vacancy in said board, occasioned by death, resignation, or otherwise, the Governor shall fill the same by appointment, whenever notified of the fact: *Provided however*, That such commissioner shall only be appointed in such cases where the owners of such real estate and the directors of the company are unable to agree as to the value of the land so offered as aforesaid.

SEC. 11. The president and directors of said company shall cause said road to be opened not exceeding sixty feet wide, of which at least twenty-four feet shall be graded, and eighteen feet made an artificial road, composed of stone, gravel, wood, and other materials, well compacted together in such a manner as to secure a firm, substantial and even road, rising in the middle with a gradual arch or curve, with sufficient drains on each side of the road to convey the water therefrom, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be a greater elevation than five degrees with the horizon.

SEC. 12. That said company, or its agent, shall have a right to lay and locate, survey and make a turnpike road through any improved or unimproved land, on the best route from Lafayette, the starting point, and the east line of the State of Indiana, on the route designated in the first section of this act, paying the owner or owners of any ground over which said road may pass, the damage done to said ground by laying out and making said road, doing as little damage as possible, and if such owner or owners, and said company or their agent, cannot agree respecting the damage done to any ground, by making and laying out the same, the amount of such damage shall be assessed and determined by three disinterested freeholders, one to be chosen by the owner or owners, one by the company or their agent, and the third by the other two chosen as aforesaid: *Provided*, That the parties cannot otherwise agree, and the freeholders thus appointed, shall, before entering on the duties assigned them, take an oath or affirmation faithfully and impartially to discharge the duties of their office, and, in assessing the damage, they shall take into consideration whether the plantation or tract of land, with the improvement thereon, are made less valuable to the owner or owners by laying out and making said road on the land, and if they shall be of opinion that said tract of land or plantation is made less valuable, after taking into consideration the advantage accruing to the owner or owners by the construction of said road, they shall assess the amount of such damage, and said commissioners shall make out their assessment in writing, a copy of which shall be given to the owner or owners of the land, and another copy to the said company or their agent, and the said company shall be liable for the payment of the said amount, if they go on and make said

road over the land upon which such assessment is made; and if either of the parties shall refuse or neglect to join in such choice, it shall be lawful for the other party to apply to any justice of the peace in the township where such land may be, whose duty it shall be, upon such application, to appoint three disinterested freeholders for the purpose aforesaid: *Provided*, That if either party shall feel themselves aggrieved by the decision of such commissioners, he or they shall have the privilege of appealing to the proper circuit court, the proceedings in such appeal to be governed in all respects by the law regulating appeals from justices of the peace in other cases.

SEC. 13. That the said company shall have the right to take from the ground occupied by any such road, after the same shall have been laid out and surveyed, any stone, gravel, sand, or timber necessary for constructing a firm, even, secure, and substantial road, and if sufficient material for constructing said road cannot be found on the ground occupied by the same, it shall be lawful for the company to enter upon any land adjoining, or in the vicinity of said road, to procure such materials: *Provided*, Said company or their agent shall give notice to the owner or occupier of said land of such intention, and the owner or occupier of said land may designate the place where such owner or occupier may choose to have such materials taken, and if such owner or occupier shall fail to designate any place for procuring such materials, or shall designate a place where such materials cannot be procured, it shall be lawful for such company to enter upon any lands contiguous to such road, and to dig, cut down and take away any of the aforesaid materials necessary to construct a firm and substantial road, not previously appropriated by the owner or occupier of such land to any other particular use, doing as little damage as possible, and paying the owner or owners for such materials, and for any damage that may be done in providing said materials, and repairing any breach that may necessarily be made in any enclosure in conveying such materials to said road, and if any difference shall arise between said company and the owner or owners of any such land as to the amount of damages done in procuring such materials, the same shall be determined in the same manner as is provided in the twelfth section of this act.

SEC. 14. So soon as said company shall have completed said road, or five miles of said road shall be completed as aforesaid, and so from time to time as often as five miles in addition shall be completed, the board doing county business in the county in which such finished road lies, or in case the same lies in two or more of said counties, the board of either of said counties shall, on the application of the president of said company, appoint an agent, who, after having taken an oath or affirmation, shall proceed to examine the same, and report his opinion in writing to the board having appointed him; and if such report shall state said road, or such part thereof, to be completed agreeably to the provisions of this act, the said board shall authorize said company to erect toll gates at suitable places and

distances at the option of said company, and to demand and receive of persons travelling said road the several tolls allowed by this act: *Provided*, That the agent so to be appointed shall be a freeholder in the county in which he is appointed, and not a stockholder in said company.

SEC. 15. It shall be lawful for said company, either before or after the location of said road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the location and construction of said road, as also the stone, gravel, and other materials that may be obtained on said route, and may contract for such materials as may be obtained on any other land near thereto, and it shall be lawful for said corporation to receive by donation, gift, grant, or bequest, land, money, labor, stone, gravel, or other materials for the benefit of said company, and all such gifts, grants, donations, relinquishments, or bequests made and entered into by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the said company may have that action at law or equity in any court having competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, donations, and relinquishments shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That if it shall be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, Before such location shall be made, the corporation shall make application to the county commissioners or board of justices of the proper county for such right, and the said commissioners or board of justices are hereby vested with power to grant the same by an order entered on their record.

SEC. 17. That when said corporation shall have procured the right of way, as herein provided, they shall be seized of the right to said land, and shall have the sole use and occupation of the same during the time the same shall be occupied for said road, and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 18. That said company be, and they are hereby authorized to demand and receive of persons travelling said road, the following rates of toll, for each and every ten miles of said road, and in the same proportion for any less distance, for every four wheeled carriage or wagon, drawn by two horses or oxen, twenty cents; for every horse or other animal in addition thereto, five cents; for every two wheeled carriage, drawn by two horses or other animals, fifteen cents; for every horse or animal in addition thereto, five cents; for every sleigh or sled, drawn by two horses or oxen, ten cents; for

every horse or animal in addition thereto, three cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, two and one half cents; for every head of neat cattle, six months old or upwards, two cents; for every head of sheep or hogs, one cent; for every four wheeled pleasure carriage, drawn by two horses, twenty-five cents; for every horse in addition thereto, five cents; for every four wheeled pleasure carriage drawn by one horse, fifteen cents; for every chaise, riding chair, gig, sulky, cart, or other vehicle of any kind, drawn by one horse, ten cents: *Provided*, That such persons shall be exempted from the payment of the tolls aforesaid, as are specified in the twenty-third section of this act.

SEC. 19. If any toll gatherer on said road shall unreasonably detain any person or passengers after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered, with costs of suit, before any justice of the peace having competent jurisdiction, within twenty days after the occurrence, by the party so aggrieved.

SEC. 20. If said road, or any part thereof, after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 21. Said company shall cause to be built good and sufficient bridges over any public works of this State, whenever said road may cross the same.

SEC. 22. That if any person or persons using said road, shall, with intent to defraud said company, or to avoid the payment of tolls, pass any private gate or bars, every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in an action of debt, at the suit of said company, before any justice of the peace in any county having jurisdiction of the same.

SEC. 23. That all persons going to, or returning from mill on horseback, public worship on the Sabbath, funerals, militia trainings, jurors going to or returning from court, all ministers of the gospel, and the troops and armies of the United States, may pass on said road free of toll.

SEC. 24. That said company shall put up a post or stone at the end of each mile, with the number of miles from Lafayette fairly cut or painted thereon, and also in a conspicuous place, at or near each gate, they shall place a board, with the rates of toll fairly painted thereon; and no tolls shall be demanded unless said rates are kept up, as herein provided.

SEC. 25. That if any person shall wilfully deface or destroy any mile post or stone, or painted list of rates of toll, they shall, on conviction thereof, forfeit and pay to said company, the sum of twenty dollars, to be recovered by said company, with costs of suit, in ac-

tion of debt, before any justice of the peace within this State having jurisdiction of the same.

SEC. 26. If said company shall not, within three years from the passage of this act, commence the construction of said road, according to the true intent and meaning of this act, then it shall be lawful for the legislature to assume the right of privilege granted by this act.

SEC. 27. This act shall be considered a public act, and be favorably construed for all beneficial purposes.

SEC. 28. The legislature reserves the right at all times, to alter, amend or repeal this charter.

SEC. 29. This act to be in force from and after its passage.

CHAPTER CXCI.

An Act to change the name of the town of Palestine to that of Poseyville.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of Palestine, in Posey county, Indiana, be changed to that of Poseyville.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCII.

An Act authorizing Joseph Quinn and James Norvel to erect Toll Bridges.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Quinn and James Norvel shall have power to erect toll bridges over Swamp creek, Brandywine and Shane's creek on the Michigan road. The bridge over Brandywine to be a good, sufficient frame, floored with plank not less than two and a half inches thick; gravel and turnpike the road between said bridges,

and keep the same in good repair; and to erect one gate, for which they may charge the following tolls: For every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, an amount not exceeding six cents; and for every other animal in addition, not exceeding two cents; for every cart, chaise, two wheeled carriage, or other vehicle, drawn by one horse or other animal, not exceeding five cents; for every additional horse or other animal, not exceeding two and one half cents; for every horse and rider, not exceeding six cents; for every horse, mule or ass, six months old and upwards, not exceeding two cents; for every hog, sheep, or head of neat cattle, not exceeding one fourth of one cent; *Provided, however,* That all persons going to or returning from public worship, all ministers of the gospel, and all funeral processions, shall pass said bridges free of toll.

SEC. 2. That said Joseph Quinn, James Norvel, and their successors, shall have power to keep in good repair the said road, bridges and toll gate for twenty years; but the legislature shall have power to alter, amend or repeal this act, by paying damages or the cost of construction to the proprietors.

SEC. 3. The said Joseph Quinn and James Norvel shall have two years to carry out the provisions of this act.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXCIII.

An Act in relation to the fees of Recorder and Auditor in the county of Wabash.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful for the recorder of the county of Wabash to demand his usual fees before he shall be compelled to make record of any deeds, patents, mortgages, or other instruments of writing required by law to be recorded in the books of the several recorders' offices of this State.

SEC. 2. The fee now allowed, by law, to the auditor of said county, for transfers made of the sale of real estate in the books of his office, be and the same is hereby wholly abolished.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXCIV.

An Act reviving and amending a certain act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of said act, so far as the same applied to the counties of Noble, Lagrange, Dekalb, Steuben, Kosciusko, Allen, Huntington, Wells, and Whitley, be and the same is hereby revived and extended to the county of St. Joseph.

SEC. 2. All capital employed by merchants, millers, and manufacturing companies, subject to taxation for State and county purposes, in the county of St. Joseph, shall be taxed fifteen cents on every one hundred dollars so employed, for road purposes, which tax may be worked out under the direction of the proper supervisors of the road districts in which the tax is laid, at the rate of one dollar per day, on or before the first day of November of each year, and if not so worked out, shall be collected and paid over and expended as provided in the first section of the above recited act.

SEC. 3. This act to take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State to forward a copy thereof to the auditor of St. Joseph county.

CHAPTER CXCV.

An Act to vacate a part of a State Road in the county of Noble.

[APPROVED DECEMBER 21, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of a State road leading from Northport to Angola, that lies in Noble county, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXCVI.

An Act to repeal a certain act therein named.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "an act for the election of supervisors in the county of Boone," approved January 15, 1844, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCVII.

An Act for the relief of Pierre (alias Peter) Poncin, of Knox county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, Pierre, (alias Peter) Poncin, of the county of Knox, and State of Indiana, an alien, became in the year 1842, the purchaser of certain tracts of land situate in the lower prairie in said county of Knox, and known and designated as survey number thirty-three, (33) and part of survey number thirty-four, (34): AND WHEREAS, the said Pierre (alias Peter) Poncin, has filed in the Knox circuit court, the declaration of his intention to become a citizen of the United States, by virtue of which act of his, and of the law in such cases made and provided, he holds said land, subject to the disability of not being able to sell and convey the same: AND WHEREAS, also the said Pierre (alias Peter) Poncin, has been, by misfortunes and losses, reduced to the necessity of selling the aforesaid land, and has not resided in the United States the term of time required by law to entitle him to take the final oath of citizenship; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said Pierre, (alias Peter) Poncin, be, and is hereby enabled and empowered to assign, grant, alien, and convey the above described lands, or any other real estate that he may now hold in the State of Indiana, in as full and perfect a manner as if he, the said Pierre (alias Peter), was at this time a naturalized citizen of the United States, any law to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its publication in one of the newspapers printed at Vincennes, at the expense of the said Pierre (alias Peter) Poncin.

CHAPTER CXCVIII.

An Act relative to the collection of taxes in the town of Rising Sun.

[APPROVED DECEMBER 21, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of the town of Rising Sun, in the county of Ohio, be authorized to assess and collect a tax on all property, both real and personal, within the limits of said corporation, (in addition to the ordinary taxes,) a sum sufficient to defray the expense of erecting public buildings for the county of Ohio; any thing in the act for the incorporation of towns, approved February 17, 1838, to the contrary notwithstanding.

SEC. 2. Said assessment shall be made upon the property according to the value fixed by the town assessment made in the spring of 1844; and this act shall take effect immediately after its publication in the Blade newspaper, printed at Rising Sun, which publication shall be at the expense of the county of Ohio.

CHAPTER CXCIX.

An Act to vacate a part of the town of Mongoquinong, in the county of Lagrange.

[APPROVED DECEMBER 21, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the town of Mongoquinong, in the county of Lagrange, lying east of Indiana, North, Front, Third, South and Ohio streets, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CC.

An Act relative to the fall terms of the Circuit Courts in the twelfth Judicial Circuit, and for other purposes.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fall terms of the circuit courts in the twelfth judicial circuit, shall hereafter be held as follows: in the county of Adams, on the last Monday but one in August; in the county of Wells, on the last Monday in August; in the county of Huntington, on the first Monday of September; in the county of Whitley, on the Thursday succeeding the court in Huntington; in the county of Noble, on the third Monday in September; in the county of Lagrange, on the fourth Monday in September; in the county of Steuben, on the Monday succeeding the court in Lagrange; and in the county of Dekalb, on the Monday succeeding the October term of the Allen circuit court.

SEC. 2. The fall terms of the court in the counties of Adams, Wells, Noble and Lagrange, shall each continue six days if the business thereof requires it, and in the county of Huntington, nine days; in the county of Whitley, three days; and in the county of Steuben, twelve days, if the business thereof requires it.

SEC. 3. That all acts or parts of acts, allowing or providing any particular mode of summoning grand and petit jurors in any of the counties composing the twelfth judicial circuit, shall be, and the same are hereby repealed: *Provided, however*, That nothing in this section shall be so construed as to repeal any portion of an act entitled, "An act to regulate the practice of law in the Allen circuit court, and for other purposes," approved January 15, 1844, as provides for the mode of summoning grand and petit jurors in the county of Allen.

SEC. 4. In the county of Allen, no costs shall be taxed upon special demurrers, unless the same shall be overruled.

SEC. 5. The clerk of the Allen circuit court shall provide three order books; one for common law causes, one for chancery causes, and one for entering all causes of naturalization.

SEC. 6. This act shall take effect and be in force from and after its passage, and shall be published in the Fort Wayne Sentinel, and Fort Wayne Times.

CHAPTER CCI.

An Act to amend an act providing for the election of Supervisors of highways in the counties of Decatur, Jefferson, and Spencer.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the boards doing county business in the counties of Decatur, Jefferson, and Spencer, at their March term in each year, to appoint a suitable number of supervisors of highways for said counties, to serve as such for one year, who, when appointed, shall be governed in all respects by the laws now in force respecting supervisors of highways.

SEC. 2. So much of the above recited act as authorizes the election of supervisors in Decatur, [Jefferson, and Spencer counties,] be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCII.

An Act to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 16, 1840.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in locating the Lawrenceburgh and Napoleon turnpike road, the directors be authorized to deviate from the route of the present State road in raising any of the hills on said route, the provision in section twelve of the original charter to the contrary notwithstanding: *Provided, however*, That any damage done to individual property shall be first ascertained, and a fair compensation paid therefor.

SEC. 2. This act to be in force from and after its publication in the newspapers at Lawrenceburgh, at the expense of the company.

CHAPTER CCIII.

An Act for the relief of Willson McConnell of Elkhart county.

[APPROVED DECEMBER 18, 1844.]

WHEREAS, It has been represented to this General Assembly, by many worthy citizens of the county of Elkhart, that in the year 1838, Willson McConnell, as seminary trustee of said county, loaned the sum of about thirty dollars to one Abner Stinson, with Abraham B. Lyons as his security, both of whom were at the time in solvent circumstances: AND WHEREAS, the said McConnell, after the said loan became due and payable, used all proper exertions to secure the payment of the same, but was unable so to do, in consequence of the utter insolvency of the said Stinson and Lyons, which accrued after the making of said loan: AND WHEREAS, The said McConnell paid over to his successor in office, out of his own funds, the sum of thirty-four dollars and seventy-four cents, the amount due on said loan, which said sum the said citizens of Elkhart represent should, in justice, be refunded to the said McConnell; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the officer having the control or management of the county seminary fund, in said county of Elkhart, be and he is hereby authorized and directed to pay to said Willson McConnell the said sum of thirty-four dollars and seventy-four cents, out of any moneys belonging to said seminary fund, which now is or may hereafter come into his hands.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCIV.

An Act to repeal the act incorporating the Draw Bridge Company at Terre Haute, in Vigo county, approved January 15, 1844.

[APPROVED DECEMBER 18, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an act to incorporate the Terre Haute Draw Bridge Company, approved January 15, 1844, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCV.

An Act to legalize certain proceedings therein named.

[APPROVED JANUARY 4, 1845.]

WHEREAS, The White Water Valley Canal Company have entered into a contract with Henry Vallette, of Cincinnati, Ohio, to complete said canal from the Connersville to the Cambridge feeder, to be paid in bonds of the company, drawing the legal interest of the State of New York: AND WHEREAS, doubts are entertained as to the legality of the issue of such bonds under the present interest laws of this State; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all such bonds issued or to be issued in accordance with the contract existing between said company, and said Vallette, be and they are hereby legalized.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCVI.

An Act to extend the times of holding Probate Courts in the counties of Washington, Ripley, and Jefferson.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts of the counties of Washington, Ripley, and Jefferson, may sit twelve days at their May and November terms, if the business require it.

SEC. 2. That the judges of the said probate courts be, and they are hereby authorized to take acknowledgements of deeds and other instruments of writing, and that they have the same power to try writs of *habeas corpus*, that is granted to judges of the circuit court.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCVII.

An Act to amend an act entitled, "An act to locate a State Road in Sullivan and Greene counties," approved January 15, 1844.

[APPROVED DECEMBER 18, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Brodie, of Sullivan county, be and he is hereby appointed a commissioner to act in conjunction with Aquilla Price of Greene county, to carry out the provisions of the above recited act.

SEC. 2. Said commissioners shall meet at the town of Sullivan, in the county of Sullivan, on the first Monday in March 1845, or as soon thereafter as may be practicable, and proceed to the discharge of the duties assigned to them in the above recited act.

SEC. 3. So much of the above recited act as relates to the appointment of Samuel Brown, as one of the commissioners, be and the same is hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCVIII.

An Act to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Cornelia Minerva Nevins, the adopted daughter of Alanson Warner, of Evansville, Vanderburgh county, Indiana, be and the same is hereby changed to the name of Cornelia Minerva Warner, by which last mentioned name she shall hereafter be known and called.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCIX.

An act to authorize the Board of Commissioners of Marion County to settle with John Elder, late Surplus Revenue Agent, and for other purposes.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Marion and their successors in office be, and they are hereby authorized to settle, compound, and finally adjust the matter of the defalcation of John Elder, late agent of the State of Indiana, for Marion county, for the loaning of the surplus revenue of the United States; and if they shall deem it expedient, to discharge the said Elder and his sureties from all liability on their bonds, upon such terms and conditions as to such board shall seem reasonable and expedient.

SEC. 2. That said board of commissioners or their successors in office be, and they are hereby authorized and empowered to collect, any and all notes, bonds, obligations, or other matters whatever taken by them upon such settlement, either as collateral security or otherwise, and for that purpose to commence and prosecute to final judgment and execution in any court of competent jurisdiction, such suit or suits at law or in equity, upon such notes, bonds, obligations, or other matters whatever taken by them as aforesaid, or upon any or either of such notes, bonds, obligation, or other matters taken in security or otherwise as aforesaid, as shall be necessary; and further, to do and perform any and all other acts which shall or in any wise may be necessary to be done or performed in the final adjustment and settlement of the matter of said defalcation, whether the same be set forth and enumerated in this act or not.

SEC. 3. That in the event an equitable and proper settlement cannot be effected with the said Elder and his sureties, that the said board of commissioners be authorized to bring a suit or suits in the Marion circuit court on the official bonds of the said Elder, agent as aforesaid, and his sureties, and to prosecute the same to final judgment and execution, for the recovery of the amount of said defalcation.

SEC. 4. That the said board of commissioners may, upon the call of the county auditor, hold a special session for the adjustment of the said defalcation.

SEC. 5. That the said commissioners upon the completion of the said settlement, shall, on request of the said Elder, or his sureties, deliver up to him or them the evidence of their indebtedness.

SEC. 6. This act to be in force from and after its passage, and the filing thereof in the proper auditor's office, and it is hereby made the duty of the Secretary of State to immediately forward a certified copy thereof to the auditor of Marion county.

CHAPTER CCX.

An Act to amend an act entitled "An act for the benefit of persons who are likely to suffer by the destruction of the Records of Miami county by fire," and to provide for the election of a commissioner to restore said Records.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the qualified voters of the county of Miami, to meet at their usual places of holding elections, on the second Monday in February next, and then and there elect by ballot a commissioner for the [purpose of] perpetuating testimony of or relating to any judgments, orders, decrees, or other proceedings of the probate or circuit courts of the county of Miami, had previous to the destruction of the records thereof, and for the purpose of perpetuating testimony concerning, of, or relating to any patents, deeds, mortgages, bills of sale, wills, inventories, powers of attorney, or other instruments of writing of record in the books of the recorder of said county, and destroyed as aforesaid; to receive evidence of and concerning any such judgments, orders, decrees, or other proceedings of said probate and circuit courts, and in relation to any patent, deed, will, bill of sale, mortgage, power of attorney, inventory, or other instrument in writing, by any person who may wish to have such testimony perpetuated.

SEC. 2. It shall be the duty of the sheriff of said county to give notice of such election by written or printed publication, at least twenty days prior to the day of election, and it is hereby made the duty of the clerk of the circuit court of said county, and the several inspectors of elections in said county to be governed in all respects, in reference to said election of commissioner, by the laws now in force regulating general elections in this State; the person receiving the highest number of votes given, at such election, shall be declared duly elected such commissioner by the board of canvassers of said county, and shall receive a certificate of his election from the clerk aforesaid.

SEC. 3. It shall be the duty of the person so elected, as aforesaid, to enter upon the discharge of his duties within ten days after the election aforesaid, as prescribed in the act to which this is an amendment, and be governed in all respects by the provisions of said act, so far as the same are not hereby repealed: *Provided however,* That nothing in this act shall be so construed as to prevent the said M. W. Seely from discharging his duties as such commissioner, in pursuance of the act to which this is an amendment, until his successor shall be duly elected and qualified; should the commissioner so elect-

ed fail to take the oath required by the act to which this is an amendment, it shall be the duty of the circuit court forthwith to appoint as is provided by the said act to which this is an amendment.

SEC. 4. That the first and so much of the second and fourth sections of the act to which this is an amendment, as relates to the appointment and compensation of a clerk to said commissioner, and so far as said sections provide for the compensation of said commissioner, be and the same are hereby repealed.

SEC. 5. Said commissioner shall receive for his compensation one half the amount that is now allowed to clerks of the circuit court and recorders for services of a similar nature, to be paid by the person or persons requiring his services as such commissioner.

SEC. 6. So much of said act to which this is an amendment, as contravenes the provisions of this act, be and the same is hereby repealed.

SEC. 7. This act to be in force from and after its passage, and the Secretary of State is hereby directed to forward a copy of this act to the clerk of the Miami circuit court.

CHAPTER CCXI.

An Act to repeal an act entitled, "An act to change the mode of selecting Petit Jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, so far as it relates to Jackson county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled, "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, and "an act amendatory thereof, approved February 8, 1843," be, and the same are hereby repealed, so far as relates to the counties of Jackson and Bartholomew.

SEC. 2. That from and after the taking effect of this act, the mode of selecting petit jurors in said counties, shall be governed in all respects by the provisions of the Revised Statutes of eighteen hundred and forty-three.

SEC. 3. This act to take effect and be in force from and after the first day of April, eighteen hundred and forty-five.

CHAPTER CCXII.

An Act to extend certain privileges in an act herein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privileges given the mortgagors to the Lawrenceburgh and Indianapolis railroad company, in an act approved January 15, 1844, (to which this is an amendment,) be extended until the first day of January, 1846: *Provided*, That the Treasurer of State may require additional security if deemed necessary.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXIII.

An Act providing for a special term of the Shelby Circuit Court.

[APPROVED DECEMBER 21, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Shelby, be, and they are hereby authorized and directed to hold a special term of the said court, at the court house, in Shelbyville, in the county aforesaid, on the first Monday in January, in the year of our Lord one thousand eight hundred and forty-five, for the purpose of trying all persons confined in the jail of said county, on the day of the commencement of said special term, for offences against any of the criminal laws of this State: *Provided, however*, That no civil causes shall be tried at said special term.

SEC. 2. The board of commissioners of the county aforesaid, shall, on the Tuesday next preceding the first day of said special term, (for which purpose a special session of said board is hereby directed and allowed,) select grand and petit jurors; and the clerk of the circuit court of the county aforesaid, shall issue a venire for, and the sheriff shall summon as in other cases, the grand and petit jurors so selected.

SEC. 3. This act shall take effect and be in force from the time of the filing of a certified copy thereof in the office of the clerk of the court aforesaid, and it is hereby made the duty of the Secretary of State, to transmit to said clerk a copy of this act, duly authenticated under the seal of State.

CHAPTER CCXIV.

An Act for the relief of Isaiah W. Cron, and Daniel McCaughan.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whereas Isaiah W. Cron, and Daniel McCaughan are the purchasers of the south east quarter of section nine, township No. eight, north of range No. one west, of the college lands in Monroe county; therefore, when the said Cron shall fully pay or cause to be paid the full amount of one half the purchase money, together with all lawful interest, then the Treasurer of State shall make the said Cron a deed for the south half of said quarter above described.

SEC. 2. That when the said Daniel McCaughan shall have in the same manner fully paid his half, principal and interest, then a deed shall be, in like manner, made to him, for the north half of said tract: *Provided*, That nothing in this act contained, shall in any manner affect the rights, either legal or equitable, of any other person, in or to said premises or any part thereof; nor shall said conveyances or either of them render the State of Indiana in any manner liable to damages in consequence of any imperfection or illegality in the transfer of said premises from the original purchaser or to said Cron and McCaughan: *And provided further*, That the Treasurer shall be satisfied that the conveyance of said premises as aforesaid will not endanger the security of the State for the final payment of the purchase money.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXV.

An Act to incorporate a Presbyterian Church in Wells county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Ferguson and Isaac Sommers, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of The Trustees of the First Presbyterian Church of Elhanan, and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State, and by that name have perpetual succession, and be capable of purchasing, holding, bargaining, and selling any property, either

real or personal, for the use of said church both by legal and equitable title, not to exceed in value twenty thousand dollars.

SEC. 2. The said trustees, and their successors, shall be empowered to receive any subscription, gift, grant, donation, and bequest, which shall be applied solely to the use and benefit of such church, in the manner the trustees thereof shall deem most proper and expedient.

SEC. 3. It shall be lawful for the trustees of said church to hold meetings at such place, and at such times, and as often as it may suit them, or as business may require it, sit on their own adjournments, or the call of the proper officer, or any one of their body, and to elect and appoint such officers, and establish rules and by-laws for their government, as they or a majority of them may see fit: *Provided, however*, That such rules or or by-laws shall not be incompatible with the constitution of this State or of the United States.

SEC. 4. It shall be lawful for the members of the First Presbyterian church of Elhanan, to perpetuate the board of trustees hereby appointed, by annual appointment, or any other mode they may deem proper, and also to fill all vacancies which may in any way occur therein, they shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXVI.

An Act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of Vanderburgh county be authorized to refund to Francis Linck and Bayless Bennett, from the first funds of the State which may come into his hands, the sum of twelve dollars and eighty-four cents, with the legal interest due thereon, being the amount of State tax paid on property incorrectly assessed to them in the years 1842 and 1843.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVII.

An Act to change a county road to a State road, in Sullivan county.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of a county road as lies in Sullivan county, be, and the same is hereby declared a State road, from where said road leaves the Terre Haute State road, by way of Little Flock Meeting House, John Carnhast's and William Julean's, being so much of said road as lies in Sullivan county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXVIII.

An Act to restrict the County Commissioners in the counties of Lagrange and Noble in levying a tax to fifty cents on the one hundred dollars valuation.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for the board of county commissioners of the counties of Noble and Lagrange to assess or levy, or cause to be levied, in their respective counties, for county purposes, more than fifty cents on the one hundred dollars valuation of the taxable property of said counties, in any one year.

SEC. 2. This act to be in force from and after its passage and publication in the Goshen Democrat, which publication shall be at the expense of the above named counties.

CHAPTER CCXIX.

An Act to incorporate the German Military Band of Indianapolis.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Charles Youngerman, Ferdinand Smith, Otto Schatter, Conrad Youngerman, Joseph Blickley, Andrew Cramer, Charles Heyrhast, Frederick Schiltmire, William Wishmire, Andrew Protzman, and Jacob Wise, of the county of Marion, and State of Indiana, and their associates and successors, be and they are hereby constituted a body politic and corporate, and shall be known by the name and style of the German Military Band of Indianapolis, and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity, or before any justice of the peace, and to create, elect, and appoint their officers, and invest them with such powers and impose upon them such duties as they may by by-laws ordain: *Provided,* That in all elections a majority of all the votes given shall be necessary for a choice, and that no person shall hold more than one office at a time.

SEC. 2. Said corporation may appoint or elect a president, secretary, and treasurer of their own body, who shall severally hold their offices and perform the duties that may be required of them by the by-laws which said company may adopt for that purpose, without any compensation.

SEC. 3. Said corporation, or a majority of two-thirds thereof, shall have power to make, from time to time, such by-laws, rules, and regulations, and inflict such forfeitures and penalties as may be necessary to carry into effect the object of this charter, not inconsistent with the constitution and laws of this State, and of the United States, as they may think right and proper.

SEC. 4. Said corporation may, at any time, add to their number or expel members in such manner as by their by-laws they may prescribe; they may receive donations in money, property, or musical instruments, and hold or dispose of the same for the use and advantage of the said corporation; they are authorized to take up a capital stock of one thousand dollars if necessary, for the purchase of books, musical instruments, or to be expended for tuition, of shares of not more than five dollars each, to be taken and held by the members of said corporation, for the purposes aforesaid.

SEC. 5. Said corporation shall have power to do all acts necessary and proper to carry into effect the foregoing charter, and to promote the interest of said company in the art and science of music, for which purpose it is granted.

SEC. 6. All meetings shall be considered regular when two-thirds of the members are present, whether held at the regular time or not: *Provided*, The members shall have notice in writing of any called meeting of said company, and any two members may call a meeting by notifying the members in writing.

SEC. 7. That no member of said company shall sell his instrument of music until he shall first offer said instrument or instruments to said band, at a fair price, and no person purchasing the same shall be entitled to the benefits and privileges of the society until he is first regularly admitted a member of said company according to the by-laws thereof.

SEC. 8. The stockholders in said company shall be individually liable in a just ratio or proportion [of the amount of stock held or subscribed,] for all debts incurred or created during their possession of said stock: *Provided*, That the property and effects of said company shall first have been disposed of to satisfy the debts incurred or created by said corporation.

SEC. 9. This act to be in force from and after its passage, and the same is liable to alteration, amendment, or repeal at any time by the General Assembly.

CHAPTER CCXX.

An Act fixing the time of holding the terms of the Probate Court in Marion county, and for other purposes.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the probate court of the county of Marion, shall hereafter be holden at the times following, to-wit: On the second Mondays of February, April, June, August, October, and December in each year, and shall sit six days at each term if the business thereof require it: *Provided however*, When the time hereby fixed for holding the terms of the probate court falls within the time fixed for holding the circuit court of said county, then the time for holding the probate court shall be accelerated to the Monday but one previous to the commencement of the circuit court. The August term of the probate court of Marion county, shall commence on the Monday first succeeding the termination of the July term of the circuit court of said county.

SEC. 2. That whenever it shall be necessary by law to give notice in any suit or matter whatever, pending in said probate court, and a sufficient time will not be allowed between the terms thereof, then, and in that case, such court may fix the time for the appear-

ance of the person or persons so notified, at any day of the second term of said court, after the granting of such order of publication, that said court shall deem proper; and that the notice thus given, shall have as full force and effect in law as if the same had required the party notified to appear at the first term of said court, after the ordering of the publication as aforesaid.

SEC. 3. That all process issued or to be issued in any matters pending or hereafter to be pending in said court, shall be returnable at the times hereby fixed for the holding of the terms of said court, and all officers and persons concerned, are hereby required to take notice of the same accordingly.

SEC. 4. That if the judge of said court shall deem it expedient, any or all of the terms of said probate court, may be holden in the clerk's office of the said county of Marion, and that the fuel used in said office be paid for by the county.

SEC. 5. That this act take effect and be in force from and after a certified copy thereof be filed in the office of the clerk of said court; and it is hereby made the duty of the Secretary of State to make out and forward to such clerk such copy, without delay; and it is hereby made the duty of such clerk, at as early a day as possible after receiving such copy, to give notice of the times hereby fixed for the holding of the terms of said court, in the State Journal and Sentinel.

CHAPTER CCXXI.

An Act for the relief of the heirs of Peter Reibold, deceased.

[APPROVED DECEMBER 27, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate, right, title and interest of the State of Indiana, in any lands situate in this State, of which Peter Reibold, an alien, late of the county of Franklin in said State, deceased, died seized, acquired by escheat of the same, is hereby released to and vested in such persons and their heirs, being residents of the United States, as would have taken the same by descent, or in right of dower, if the said Peter Reibold, and the persons hereby authorized to take, had been native citizens of the United States.

SEC. 2. The persons taking under this act, shall take estates of the same nature and extent as they would have taken if they and the said Peter Reibold had been native citizens of the United States.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXII.

An Act to ratify the proceedings of the Common Council of the City of Fort Wayne.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the common council of the city of Fort Wayne, had on the third day of June, A. D., 1844, in relation to the change in the location of Plum street, in said city, be, and the same are hereby ratified and confirmed, and that the said Plum street be changed accordingly.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIII.

An Act to legalize the proceedings of the Board of County Commissioners of Daviess County.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to the General Assembly that the board of commissioners of the county of Daviess, did, in the month of October last, hold a special session for the purpose of appointing an auditor of said county, to fill the vacancy occasioned by the death of Patrick M. Brett, auditor of said county: AND WHEREAS, said board did at said special session, appoint Matthew L. Brett, auditor of said county, to fill said vacancy; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the board of county commissioners of Daviess county in the foregoing preamble recited, be, and the same are hereby legalized.

SEC. 2. It shall be the duty of the Secretary of State after the passage of this act, to transmit a copy of the same to the auditor of said county of Daviess.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIV.

An Act to change the time of holding Probate Courts in Dearborn county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding probate courts in Dearborn county, be so changed that hereafter the terms of said courts shall commence on the first Mondays in the months of April, July, October, and January, and shall continue in session twelve days at each term, if the business shall require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXV.

An Act to locate a State Road in Allen county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Edsall, of the county of Allen, be and he is hereby appointed a commissioner to view, mark, and locate a State road in the county of Allen, commencing at the canal bridge, where the St. Joseph feeder intersects the main line of the Wabash and Erie canal, and to run as straight as the nature of the ground will permit, so as to intersect the Goshen State road, at a point about eight miles, near the farm of James Hinton.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVI.

An Act to provide for erecting a Bridge across Laughery Creek, in Ripley County.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Hunter, Squire H. Knap, and Luman Andrews, of Ripley county, be, and they are hereby appointed commissioners to build a bridge across Laughery Creek, at or near where the State road leading from Versailles in Ripley county, to Manchester, in Dearborn county, crosses said creek.

SEC. 2. It shall be the duty of said commissioners to receive all donations for the erection of said bridge, and as soon as they shall have received or secured by voluntary subscription the sum of two hundred dollars, to report the same to the board of county commissioners and enter into bond and security for such amount as the said board of county commissioners may require for the faithful performance of the duties required of them by this act.

SEC. 3. It shall be the duty of the board of county commissioners of Ripley county, as soon as the requisitions of the second section of this act are complied with, to make an order and have the same entered on their books for the payment to said commissioners to build a bridge, the sum of one hundred dollars to be paid out of the first money that may be paid by or become due from the Lawrenceburgh and Napoleon turnpike company to the county of Ripley, by virtue of the provisions of the tenth section of an act, entitled an act to authorize the building a bridge across Laughery Creek, in Ripley county.

SEC. 4. One hundred dollars of the three per cent. fund, belonging to the county of Ripley, is hereby appropriated towards the erection of said bridge, and the county treasurer of Ripley county is hereby authorized and required to pay the same to the said commissioners or to their order, out of the first money that may come into his hands belonging to said three per cent. fund; and it shall further be the duty of said county treasurer, to pay over to the said commissioners all the road tax collected by him in the townships of Johnson, Washington, Franklin and Adams, and the said commissioner's receipt for the same shall be received by the auditor of the county in settlement with the treasurer, as the receipts of supervisors of roads are received, and give credit to the treasurer for the same.

SEC. 5. It shall be the duty of said commissioners as soon as the different sums appropriated in the preceding sections of this act are received by them, or a sufficiency thereof to enable them to commence the erection of said bridge, to expend the same in building a bridge across Laughery Creek at the point designated in the first sec-

tion of this act, and as soon as the said bridge shall be finished, or within one year from the time of their giving bond, shall make report of their doings to the board of county commissioners of Ripley county, who shall examine their accounts, and allow the said commissioners such compensation as they may deem just, the same to be paid out of the county treasury.

SEC. 6. The said commissioners shall have all the powers that are given to supervisors of roads to enter upon adjoining lands, for the purpose of obtaining materials for the building of said bridge.

SEC. 7. Nothing in this act shall be so construed as to prevent any citizen of the said townships of Johnson, Washington, Franklin and Adams, from working out their road tax according to the provisions of the 106th section of the 16th chapter of the Revised Statutes of Indiana.

SEC. 8. This act to be in force from and after its publication, or a certified copy thereof shall be filed in the clerk's office of the county of Ripley.

CHAPTER CCXXVII.

An Act to amend an act entitled, "An act to authorize the sale of certain land in Dubois county.

[APPROVED JANUARY 13, 1845.]

WHEREAS, Willis Hays of Dubois county, was, by an act of the General Assembly of the State of Indiana, approved February 17, 1838, appointed a commissioner to sell a reserved tract of land in said county, known as the north-west [quarter] of section number twenty-six, in township number one, north of range number five west, being the same that was heretofore reserved as saline land: AND WHEREAS, The bond of said commissioner, together with all other papers relative to the sale of said saline lands, was destroyed by fire, when the office of recorder of said county was burned; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Willis Hays, the commissioner aforesaid, be and he is hereby required to file a new bond with the clerk of the Dubois circuit court, on or before the twenty-fifth day of June 1845, according to the provisions of the above recited act.

SEC. 2. That said commissioner shall forthwith, after filing his bond as above required, make out and file with the county auditor, a full and complete report of all his proceedings as commissioner

aforesaid, and shall immediately after filing the report with the auditor, as aforesaid, pay over all moneys that have come into his hands, by the sale of the above mentioned tract of land, to the county treasurer of said county.

SEC. 3. That the purchaser of the above mentioned tract or parcel of land shall be allowed until the twenty-fifth day of December 1845, to pay all arrearages of interest which have accrued or may accrue previous to the said twenty-fifth day of December, aforesaid, on the purchase money yet remaining due and unpaid.

SEC. 4. That if the aforesaid commissioner shall neglect or refuse to comply with the requisitions of this act, the county auditor shall commence suit for all such monies as shall have come into his hands as commissioner as aforesaid, according to the provisions of said act to which this is an amendment, without being required to produce the bond mentioned in said act.

SEC. 5. That all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVIII.

An Act to extend the June Term of the Board doing County Business in the county of Randolph.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Randolph, may, at their June term, in each year, sit nine days, if their business require it, any law of this State now in force to the contrary notwithstanding.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIX.

An Act to repeal an act, entitled, an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington and Wells, approved January 15, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act, entitled an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington and Wells, approved January 15, 1844, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXX.

An Act to attach additional territory to the county of Ohio, and for other purposes.

[APPROVED JANUARY 7, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the territory which now belongs to Dearborn county, and which lies south of the main channel of Laughery Creek, be, and the same is hereby attached to the county of Ohio, and shall form a part of said county of Ohio.

SEC. 2. That the following be, and the same is hereby established as the boundaries of the said county of Ohio county, to-wit: Beginning at the Ohio river in the centre of the mouth of Laughery Creek, and running up said Laughery Creek in the centre of the channel of the main creek with the meanders thereof, to where the same crosses the west boundary line of Dearborn county, commonly called the old Indian boundary line; thence southwardly on said old Indian boundary line to where the same intersects the line dividing the counties of Dearborn and Switzerland; thence east on the section line to the Ohio river; thence up said river with the meanders thereof to the place of beginning.

SEC. 3. That all officers residing within the said territory hereby attached to the said county of Ohio, shall serve out their regular term of their said offices in and for the said county of Ohio, as though no change had been made.

SEC. 4. No suit, action, or other proceeding, either in law or equity now commenced in the said county of Dearborn in any of the courts thereof, or before any justice of the peace thereof, shall be in any wise affected by the provisions of this act, but the same shall be proceeded in to final judgment and execution, as though no change in boundary had been made.

SEC. 5. *Be it further enacted*, That the board doing county business in and for said county of Ohio, be, and they are hereby invested with full power and authority at their first meeting, or any subsequent meeting, after the passage of this act, to divide and lay off said county into as many townships as may be necessary, according to the provisions of the first section of the second chapter of the Revised Statutes of 1843; and said board are hereby invested with further power, to alter, change, or enlarge, the districts of said county, regulating the election of county commissioners, or they may entirely new district said county for said purpose, if they shall deem the same to be necessary for the purposes of equal justice.

SEC. 6. That if by virtue of any alteration, change, or enlargement of the districts in said county as aforesaid, or by new districting said county for the purposes aforesaid, it shall so happen that one or more of said districts shall be left without any county commissioner residing therein according to the provisions of the thirteenth section of the fourth chapter of the Revised Statutes of 1843, then and in that case, it is hereby made the duty of said board doing county business in said county of Ohio, to make an order for the election of one county commissioner in each of said districts in said county where there shall be no commissioner residing; or if said board shall be of opinion that the justice or necessity of the case requires it, they may order the election of an entirely new board of county commissioners for said county of Ohio, and in either case, the commissioners so ordered to be chosen, shall be elected by the qualified voters of said county at the next general election to be held on the first Monday of August, 1845, and the said commissioners when so chosen as aforesaid, shall fill the place or places of the present incumbents, and shall in all things be governed by the laws of this State now in force to regulate boards doing county business.

SEC. 7. *Be it further enacted*, That the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7th, 1825, and an act entitled an act to amend and revise an act to incorporate the several townships in the county of Dearborn, approved February 7th, 1825, approved February 1st, 1834; and all the benefits and privileges conferred by said acts on the said county of Dearborn, be, and the same are hereby extended to the county of Ohio.

SEC. 8. That it is hereby made the duty of the Secretary of State to cause to be distributed to Ohio county, with the laws of the present session of the General Assembly, three full sets of Blackford's Reports, for the use of the circuit court, probate court, and the board doing county business in said county.

SEC. 9. This act to be in force from and after its passage and publication in the Indiana Blade, a public newspaper, printed and published at Rising Sun, in the county of Ohio.

CHAPTER CCXXXI.

An Act to establish an additional place of holding elections in Lafayette Township Floyd county.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Floyd, are hereby invested with power, and it is hereby made their duty, to establish one additional place of holding elections in Lafayette township in said county.

SEC. 2. After said board shall have established such additional place of holding elections in said township, the qualified voters in said township shall annually elect two inspectors of elections for said township, (one for such additional place of holding elections,) at the times and in the manner prescribed by the several election laws of this State, and polls shall be opened at such additional place, and be held in the same manner that general and township elections are held and conducted at other places of elections authorized by law.

SEC. 3. This act to be in force from and after a duly certified copy shall have been filed with the auditor of said county, and it is hereby made the duty of the Secretary of State to furnish such copy.

CHAPTER CCXXXII.

An Act for the relief of the estate of Samuel Lewis, late of Allen county, deceased.

[APPROVED JANUARY 8, 1845.]

WHEREAS, It has been represented to this General Assembly, that Samuel Lewis became the owner, with Allen Hamilton, of a large quantity of canal lands; that prior to the death of said Lewis, in the year 1842, he and the said Hamilton had agreed to make partition between them of said lands, and had settled the manner

thereof, and the lands each was to take; but before said agreement could be carried fully into effect, by the mutual execution of the requisite assignments and transfers by said parties, the said Lewis departed this life; that shortly thereafter, upon the application of said Hamilton, partition of said lands was adjudged in the Allen circuit court, by commissioners duly appointed for that purpose, and assignments of the certificates of purchase by which said lands were held, were made to the parties respectively, of the parts assigned in said partition, by Elias Worthington, Esq., under the order and direction of the said Allen circuit court: **AND WHEREAS**, Also, there is yet due on said lands, to the State of Indiana, a part of the purchase money, which must be paid before patents can issue: **AND WHEREAS**, Also, said Lewis by his last will and testament, directed his executors to sell his canal lands for the payment of his debts, and for the benefit of his widow and children, and such sale being necessary for the payment of the debts of said testator, and also to save his said estate from loss, by reason of the forfeiture of his said land if the purchase money yet due thereon shall not be paid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings, judgments, orders, and decrees of the said Allen circuit court, in the partition and division of said lands, and the acts and proceedings of all persons acting therein, and in making assignments thereof, under the order and direction of said court, be and the same are hereby ratified, confirmed, and established, and said partition, and every part thereof, is, and the same shall be acknowledged by the State of Indiana, and all her officers and agents having the control, management, or direction of the canal lands of the State, the receiving of the principal and interest due thereon, and the issuing of patents therefor.

SEC. 2. The lands so divided and assigned to the parties respectively, as aforesaid, shall be deemed and taken to be the lands of the party or parties to whom the same have been assigned by the said Worthington, as aforesaid, and the certificates thereof shall be assignable and transferable by the proper owner thereof, by virtue of said assignment by said Worthington, as fully and completely, and in like manner, as in the case of other canal lands held by certificates of purchase from the State; and the provisions of the will of said Lewis shall apply to the lands set apart in said partition to his heirs, devisees, or executors, and in complete exoneration of the lands set apart to said Hamilton, and assigned to him as aforesaid; and the said assignment of said certificate, by said Worthington, shall be sufficient evidence of such assignment at the canal land office of this State at which the same may be presented; and whenever the executors of the last will and testament, or administrator with the will annexed, of said Lewis, shall sell any of said lands pursuant to the will of said Lewis, the assignment of the certificate thereof, and ac-

knowledge as in other cases, by such executors, or administrator with the will annexed, shall be sufficient evidence at any canal land office of this State, of the due assignment of any such certificate.

SEC. 3. Nothing in this act contained shall be construed to discharge any of said lands from any payments of principal or interest due, or which may become due on account of said lands, to the State of Indiana.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCXXXIII.

An Act to alter the times of holding the Circuit Courts in the county of Marion.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the circuit court of said county of Marion, shall commence on the second Monday in January of each year, and hold four weeks if the business thereof require it; and on the third Monday of July of each year, with the power of adjourning over from the Saturday preceding the August election, until the Wednesday next following, and to hold its session four weeks, (except the two days which may be lost by adjournment as aforesaid,) if the business of said court require it.

SEC. 2. That all acts coming within the purview of this act, be, and the same are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CCXXXIV.

An Act to change the name of the Indiana Baptist Manual Labor Institute, to that of Franklin College.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Institute known and chartered under the name and style of the Indiana Baptist Manual Labor Institute, shall hereafter be known by the name of the Franklin College, and that the

board of trustees of Franklin College shall have and possess all the rights and privileges secured and conferred upon them as the board of trustees of the Indiana Baptist Manual Labor Institute, and shall in all respects be governed by the provisions of an act to incorporate the Indiana Baptist Education Society, and the Indiana Baptist Manual Labor Institute, approved January 30, 1836.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and the Indiana State Journal.

CHAPTER CCXXXV.

An Act to amend an act entitled an act to locate certain State roads therein named, and for other purposes, approved January 15, 1844.

[APPROVED DECEMBER 27, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of the above mentioned act, be, and the same hereby is repealed.

SEC. 2. That Alexander F. Brown, be, and hereby is appointed a commissioner, to view, mark, and locate a State road, as follows: commencing at Rensselaer village, in the county of Jasper, running thence on the nearest and best route to Indian Town, in the county of Porter; thence by Branche's to Valparaiso, in Porter county, and Crown Point in Lake county; and thence on the best route towards Chicago, to the State line.

SEC. 3. It shall be the duty of said commissioner to qualify according to the provisions of the 16th section of the above recited act on or before the first Monday in June, 1845.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCXXXVI.

An Act to declare a certain road therein named, a State road.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the county road as lies between the town

of Hartford, in the county of Crawford, via the way of Williamsburgh, in Orange county, where the same intersects the Leavenworth and Mount Pleasant State road, in Orange county, be, and the same is hereby declared a State road, and that the same be opened any width not to exceed twenty feet.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVII.

An Act to amend an act therein named.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the trustees of any township in the counties of Noble Lagrange, Steuben, and Dekalb, wish to change any State, county, or township roads, the petitioners are hereby required to make the new road as good and convenient as the old road, before the latter shall be vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVIII.

An Act in relation to Petit Jurors in the county of Porter.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the fiftieth chapter of the revised statutes are hereby extended to the county of Porter.

SEC. 2. All acts and parts of acts conflicting with the provisions of said chapter are hereby repealed, so far as the county of Porter is concerned.

CHAPTER CCXXXIX.

An Act to locate a State Road in the county of Switzerland.

[APPROVED DECEMBER 27, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stephen Humphrey, William Howe, and William McNutt, of the county of Switzerland, be and they are hereby appointed commissioners to view, mark, and locate a State road from Henry McMakin's, in Egypt bottom, on the Ohio river; thence a north-westerly direction until it intersects the State road leading from the town of Patriot to Querace's Grove, at or near Supply Walker's.

SEC. 2. The commissioners aforesaid, after taking an oath for the faithful discharge of their duties, shall on or before the first day of March next, or so soon thereafter as they may agree, proceed to view, mark, and locate said road, on the nearest and best route: *Provided*, Said road shall not be located through any person's farm, unless by consent.

SEC. 3. That so soon as said location is made, the commissioners shall report the same at the next session of the board doing county business, and the said board shall make said commissioners such compensation as they may think just and reasonable, and said board shall order the said road to be opened and kept in repair as other public roads are.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXL.

An Act to provide for a special session of the Whitley Circuit Court.

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Whitley, be, and they are hereby authorized and directed to hold a special session of said court, to commence on the second Monday in January, eighteen hundred and forty-five, and to continue as long as the business herein provided to be performed shall require it, for the purpose of trying or otherwise disposing of their cases, any and all persons who may, on said second Monday in January, be confined in the jail of said county, on any criminal charge.

SEC. 2. It shall be the duty of the sheriff of Whitley county, or the person acting as such, on being informed of the passage of this act, to inform each and every person in the jail of said county on any criminal charge, of the passage of this act, and to receive from them such directions as to procuring their witnesses as they or either of them may desire to give, and to take the ordinary steps to procure the attendance of the same.

SEC. 3. It shall be the duty of the clerk of the Whitley circuit court, on being informed of the passage of this act, to issue venire for a grand and petit jury, commanding the sheriff of said county to summon the grand and petit jurors belonging to the regular panel of last term of said court, and said sheriff may supply any deficiencies in said panel from the by-standers.

SEC. 4. The court when convened, may adjourn from day to day until said prisoners are all tried, and the prosecuting attorney of said circuit shall attend and prosecute said prisoners, and said court shall in all things not herein expressly provided, proceed as in the trial of criminals at a regular term of the circuit court.

SEC. 5. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy hereof to the clerk of the Whitley circuit court.

CHAPTER CCXLI.

An Act to incorporate the Mechanics' Institute at Lafayette, in the county of Tippecanoe.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John B. Semans, Martin L. Peirce, William L. Embree, Allen Loyd, and Enoch G. Yeager, and their associates and successors, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of the Mechanics' Institute at Lafayette, and by their corporate name may contract and be contracted with, sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere, may have and use a common seal, and may break, alter or renew the same at pleasure.

SEC. 2. That they shall be capable of acquiring and holding property, real, personal, or mixed, by purchase, gift, grant, or devise, not exceeding the sum of twenty thousand dollars, and may sell, dispose of, and convey the same at pleasure; that they shall have the power to form a constitution and by-laws for the government of said cor-

poration, the arrangement and regulation of its fiscal concerns, the admission of its members, and the appointment of its officers, together with all other powers necessary for the corporate existence and the proper and efficient management of all its concerns: *Provided*, That said constitution and by-laws be not inconsistent with the constitution and laws of this State or of the United States: *Provided, also*, That no part of the stock of said corporation, or property owned by it, shall be used for any other than literary, educational, and scientific purposes, such as the purchase of books, maps, charts, specimens of the arts, cabinets, scientific and philosophical apparatus, periodicals, lands and buildings necessary for the use or convenience of the corporation, and to defray the expenses of procuring, from time to time, such lectures and other instructions in the arts and sciences as may be deemed advisable, together with its other necessary expenses.

SEC. 3. That this act shall be taken and received in all courts, and by all judges, magistrates, and other public officers, as a public act, and all copies of the same which shall be printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

SEC. 4. This act to be in force from and after its passage, and the Legislature reserve the right to alter, amend, or repeal this act at any time.

CHAPTER CCXLII.

An Act to amend an act entitled, "An act to incorporate the Princeton Library Company."

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of said association shall be, and hereby is changed from the Princeton Library Company to that of the Gibson County Library Company, and by such last name shall be entitled to all the rights and privileges, and be responsible to all the liabilities of said first named company.

SEC. 2. This act to take effect and be in force from and after its publication.

CHAPTER CCXLIII.

An Act to incorporate the Elkhart Brass Band.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That A. Newton, J. S. Bordus, J. C. Penwell, and their associates and successors, be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Elkhart Brass Band, with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said Elkhart Brass Band is hereby authorized to adopt a constitution, to make, establish, and enforce such by-laws, rules and ordinances under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of this State.

SEC. 3. Said board may make and appoint all officers necessary for the management and direction of the association, may regulate the manner of appointing or selecting such officers, together with their time of service, and may make such rules and regulations for the reception and expulsion of members as they may think necessary.

SEC. 4. Said corporation may receive donations in money, property, musical instruments, or books, and may hold and devote the same to the purposes of the band; they may make a capital stock not exceeding ten thousand dollars, in shares of five dollars each, to be taken and held by the members of the association, to the procuring of musical instruments, books, and instruction, or any kind of property necessary for their convenience in accomplishing the objects of their association, and may convey, alien, or sell any or all such property, and divide the proceeds among themselves, according to the proportion of their stock.

SEC. 5. The legislature reserves to itself the right to amend, alter, or repeal this act of incorporation at any time.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CCXLIV.

An Act providing for the location of a State road in the counties of Parke and Vermillion.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Oliver P. Davis and John Winsett, of the county of Vermillion, and Andrew Tinbrook, of the county of Parke, be, and they are hereby appointed commissioners, to view, mark, and locate a State road, commencing on the State road leading from Lafayette to Terre Haute, at a point where the line between ranges eight and nine crosses the same, near the residence of Andrew Tinbrook, in Parke county; thence north with the range line seventy-five rods; thence bearing north of west forty-four rods to an oak tree on the line between sections twelve and thirteen, township sixteen, range nine west; thence west forty rods to a Walnut stump; thence about one hundred and forty rods to the second bank of the Wabash river; thence on the most suitable ground to Davis's Ferry, situated on lot No. three, of subdivision of fractional section No. twelve, in said township; thence from the ferry landing on the west side of the Wabash river on the north half of the northwest fractional quarter of said section twelve, in a northwesterly direction, to intersect a county road leading to Newport, at a point thirty-eight rods east of the south east corner of the north east quarter of section number two, in said township.

SEC. 2. The said commissioners, on the first Monday of February, 1845, or some subsequent day after taking an oath faithfully and impartially to discharge the duties assigned by this act, shall proceed to view, mark, and locate said road, and shall within thirty days after said location of the same, file a report of their proceedings in the auditors' offices of the counties in which said road is located.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXLV.

An Act to legalize certain school loans, belonging to the county of Daviess.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The State of Indiana lately recovered against Thomas B. Graham, Charles T. Wells, and John B. Coleman, as sureties of the late school commissioners of the county of Daviess; AND WHEREAS, The auditor of said county, for the purpose of releasing said securities under the order of the board of commissioners of said county, hath loaned the amount of said payment to the said securities, thereby loaning to each more than is allowed by law to be loaned to any one individual; therefore, for the purpose of legalizing such loans,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the loan aforesaid, be, and the same is hereby legalized: *Provided, nevertheless*, That nothing in this act contained, shall be construed as changing the character of the funds so loaned as aforesaid; but that when the same shall be paid, they shall be distributed and loaned agreeably to the laws now in force, or that may hereafter be in force; *And provided further*, The said loan shall have been made in accordance with the order of the board of commissioners of Daviess county at their June session, 1844, which requires that the said Thomas B. Graham, Charles T. Wells, and John B. Coleman, shall give security therefor in the same manner as is required by law for loaning school funds.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXLVI.

[APPROVED JANUARY 8, 1845.]

An Act to authorize the County Commissioners of Floyd County, to employ a Physician to attend the poor of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of Floyd county shall annually at their March term, employ a good physician at the expense of said county, to attend to and supply all necessary medical

aid to the poor of said county; *Provided, however*, Nothing herein contained shall be so construed as to prevent the overseers of the poor in said county from employing another physician in cases of emergency, when the physician employed by the county cannot be had.

SEC. 2. All parts of acts coming in conflict with this act, are hereby repealed, so far as Floyd county is concerned.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXLVII.

An Act to locate a State Road in Randolph and Jay counties.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles Sumption and John L. Addington, of Randolph county, and Elisha E. Barrett, of Jay county, be and they are hereby constituted and appointed commissioners to view, locate, and mark a State road, as follows: Beginning at Huntsville, in the county of Randolph, thence north on the county road to White river, near Sample's old mill; thence east of north to the south-west corner of section thirty-five, township twenty-one, north of range thirteen east; thence north on the county road to where said road intersects the Winchester and Bluffton State road, in Jay county.

SEC. 2. The said commissioners shall meet in the town of Winchester on the first Monday in March 1845, or on any subsequent day thereafter, that they may agree upon, and proceed to take an oath, before some person authorized to administer the same, for the faithful discharge of their duties as commissioners to view, mark, and locate said road, as aforesaid, and should either of the said commissioners fail to attend at the time and place so appointed, a majority, or any two of them, shall proceed to lay out said road as if all the commissioners were present.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditor's office in each of the said counties of Randolph and Jay, and the said auditors shall lay the same before the boards doing county business at their first term thereafter; and it shall be the duty of said boards to order so much of the said road as lies within their respective counties to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of an act for opening and repairing roads and highways.

SEC. 4. That the boards doing county business in Randolph and

Jay counties shall make such allowance to said commissioners for their services as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXLVIII.

An Act to amend an act, entitled an act to incorporate the City of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved February 14, 1839.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be necessary for the tax collector of the city of New Albany to demand payment of any tax of the person or persons charged therewith, before proceeding to collect the same by distress and sale; but if any tax due to said city shall be unpaid on or after the fourth Monday of December in each year, the collector may proceed forthwith to collect the same by distress and sale, agreeably to the terms of the act to which this is an amendment: the costs of such levy, advertisement, sale and certificate to the purchaser, as are required by the act to which this is an amendment, shall be added to the tax distrained for, and shall be collected with such tax; and any lands, tenements, or hereditaments sold by such collector for taxes, may be redeemed by any person interested therein, agreeably to the provisions of the act to which this is an amendment, at any time within two years after such sale and not thereafter; unless the person wishing to redeem as aforesaid, [shall be a minor, a married woman, or absent from the United States, in which case it may be redeemed, as aforesaid,] within two years after such disability may cease, and not thereafter.

SEC. 2. All parts of the act to which this is an amendment, coming in conflict with this act, are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXLIX.

An Act for the relief of Henry Pittenger.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to this General Assembly that the trustees of congressional townships numbers nineteen and twenty-one, north, of range eleven east, in Delaware county, bid off in the name and for the use of said townships, eighty acres of land which had been previously mortgaged to the school commissioner of said county, for one hundred dollars of the funds belonging to said townships by Henry Pittenger; AND WHEREAS, it is further represented that the inhabitants of said townships are willing to relinquish their claim upon said land, upon the payment of the amount due the said townships from said Pittenger; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees of townships nineteen and twenty-one, range eleven east, in Delaware county, be, and they are hereby authorized (if instructed so to do by a majority of the legal voters of said townships at their next annual election,) to re-convey to the said Henry Pittenger, the land aforesaid, upon his paying or securing to the satisfaction of said trustees, the amount which was due the said townships upon the said mortgage at the time of the sale aforesaid, together with the interest, costs, &c.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCL.

An Act to amend an act to incorporate the Notre Dame du Lac at South Bend, in St. Joseph County, Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of the act to which this is an amendment, be so construed as that the legislature shall never have the power to impair the fundamental principles of the incorporation by any act repealing said act of incorporation.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCLI.

An act to amend an act to establish a Levee from the town of Vincennes, through the lower prairie near the Wabash river, to the Grand Coulee, approved February 2, 1833.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Pierre Andra, Vital Brusha, John Richardville, William Burtch, and Benjamin M. Thomas, and their successors in office, to be appointed annually, hereinafter provided, be and they are hereby appointed commissioners for the purpose of improving and keeping up a good and sufficient levee and public highway, from the high ground in the town of Vincennes, along the Wabash river, to the Grand Coulee, south of said town, and to extend said levee around said coulee, as a majority of the inhabitants of what is termed the lower prairie, south of the boundaries of said town, acting with the owners of property within said boundaries, may from time to time, in public meeting to be convened after ten days public notice in a newspaper printed in said town, determine and direct.

SEC. 2. That it shall be the duty of Knox county commissioners or board doing county business, at their first session in the year eighteen hundred and forty-six, and at their first session annually thereafter, to appoint five citizens, residing in Vincennes township, who shall be interested as owners or holders of land in said town prairies, in maintaining and improving the utility and stability of said levee, as commissioners under this act, and the act to which this is an amendment, any three or more of whom are hereby empowered and shall be deemed fully authorized to act in all cases touching the premises.

SEC. 3. If the commissioners, or any of them herein appointed, or hereafter to be appointed, refuse to qualify by taking an oath to perform the duties required of them by this and the act of which it is an amendment, faithfully and impartially, or refuse to act, die, or resign, within the period of their appointment, it shall be the duty of the board of county commissioners, or board doing county business of said county of Knox, on being apprized and satisfied of the fact when in session, to appoint some suitable person or persons, as aforesaid, to fill the vacancy and to serve during the unexpired portion of the year.

SEC. 4. That so much of the act to which this is an amendment as comes within the purview of this act, be and the same is hereby repealed, and all other of the enactments thereof are to be deemed valid and in full force.

SEC. 5. This act to take effect and be in force from and after its publication in the newspapers printed at Vincennes.

CHAPTER CCLI.

An Act to repeal an act, entitled an act to amend an act, entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," approved January 1, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act, entitled an act to amend an act entitled an act, granting to the citizens of Madison and the town of Lawrenceburgh a city charter, approved January 15, 1844, be and the same is hereby repealed, so far as relates to the city of Madison.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLIII.

An Act repealing a certain act therein named.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act, entitled an act authorizing the county commissioners of the county of Clark to settle with Joseph E. Moore, approved January 15, 1844, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLIV.

An Act to revive part of an act therein named, in the county of Ripley.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the 24th section of an act regulating the jurisdiction of justices of the peace, approved February 17, 1838, as

gives to justices of the peace jurisdiction over cases where the defendant is not a resident of the township, be, and the same is hereby revived in the county of Ripley.

SEC. 2. This act shall be in force from and after its publication.

CHAPTER CCLV.

An Act for the relief of Elijah Masters of Daviess county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners of Daviess county be and they are hereby authorized to enquire into the claim of Elijah Masters against the school commissioner of said county, arising from the redemption of a certain tract of land which was sold in the year 1840, by said commissioner, upon an erroneous return thereof, made by said Masters, collector of the State and county revenue in the year 1836, and that they be authorized to require said school commissioner to refund to said Masters whatever they find him justly entitled to.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLVI.

An Act for the relief of Millens Loomer.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the bonds of marriage heretofore existing between George Loomer and Millens Loomer, of St. Joseph county, are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLVII.

An Act for the relief of the heirs and devisees of Francis Godfrey, deceased.

[APPROVED JANUARY 13, 1845.]

WHEREAS, By the treaty of 1838, with the Miami Indians, one section of land was granted to Francis Godfrey, on the Wabash river, above and adjoining the town of Peru: AND WHEREAS, Also, the State of Indiana, by the treaty of 1826, with said Indians, were authorized to construct the Wabash and Erie canal through the Indian lands, and for that purpose there was ceded to the State a strip of land, six rods in width, for the distance which said canal passed through said lands: AND WHEREAS, Also, the State of Indiana, by an act of the General Assembly, has relinquished her right to said six chains, where the same passed through the above mentioned section of Godfrey, except a reserve made for water power at the lock and dam at Peru, which reserve has not been yet laid off or surveyed on behalf of the State: AND WHEREAS, Also, pursuant to an authority and power given by the will of said Godfrey, a quarter of his said section was laid off into town lots, as an addition to the town of Peru: AND WHEREAS, The principal part of the water power at said lock and dam is on the tow path side of said canal, and if in locating said reserve it should be laid principally on the opposite side of the canal, it is feared that it would be necessary to take some of the lots aforesaid, or parts of some of them; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acting commissioner on said canal, the engineer, and all others in locating the land reserved for said water power, at said lock and dam, shall confine themselves to the land on the tow path side of said canal, so far as it can be done consistently with the rights and interests of the State; and if any part of said land for such water power shall be taken and surveyed on the opposite side of said canal, it shall be so surveyed and taken as not to interfere with or take any part of said lots, laid out as an addition to the town of Peru, as above specified, if the same be practicable.

CHAPTER CCLVIII.

An Act to change the mode of doing County Business in the county of Parke.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws and parts of laws now in force, that provide for doing county business, in said county, different from the general provisions contained in the revised statutes of 1843, be and the same are hereby repealed.

SEC. 2. The county business of said county shall be done by three commissioners, to be chosen by the voters of said county, at the next August election, in all respects agreeably to the provisions of the said revised statutes, all the provisions of which, relating to county business, are hereby extended to and declared to be in force in said county of Parke.

SEC. 3. The board of justices of said county shall, at their next regular meeting after the passage of this act, divide and lay off the said county into three commissioner districts, agreeably to the provisions of the second article of the fourth chapter of the said revised statutes.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLIX.

An Act to continue in force an act entitled, "An act to incorporate the Brookville and Richmond Canal Company."

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-four (24) of an act to incorporate the Brookville and Richmond canal company, approved February 17, 1838, be so amended as to give said company five years longer time for the completion of said canal, and that said act is hereby continued in full force for that length of time.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLX.

An Act to locate a certain State road therein named, in Orange County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse Reed, Kindred S. Busick, and Nathan Hollowell of the county of Orange, be, and they are hereby appointed commissioners to mark out and locate a State road, beginning at Nathan Hollowell's, on the New Albany and Vincennes turnpike road; thence to Joseph Busick's; thence to Orleans in the county aforesaid.

SEC. 2. Said commissioners shall on the first Monday in March next, or on some subsequent day, after having been qualified according to law, proceed to the discharge of the duties assigned them by this act, and shall have regard to the private interest of the citizens through whose lands said road shall run, and in all other respects shall be governed by the law now in force for the opening of roads and highways.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXI.

An Act to amend an act, entitled An act regulating the time of holding courts in the county of Tippecanoe, approved January 15, 1844.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Tippecanoe circuit court at the February term thereof, shall sit eighteen days, if the business thereof require it; at the June terms thereof, the said court shall sit twelve days if the business require it and no longer.

SEC. 2. That the fall terms of the probate court of said county shall commence on the third Monday in November in each and every year.

SEC. 3. So much of the act to which this is an amendment, as conflicts with the provisions of this act be repealed.

SEC. 4. This act to be in full force from and after its passage, and the Secretary of State is required to forward a copy thereof to the clerk of said court.

CHAPTER CCLXII.

An Act to change the name of Muncietown.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Muncietown, the county seat of Delaware county, be, and the same is hereby changed to that of Muncie.

SEC. 2. Nothing contained in the first section of this act shall be so construed as to effect, alter or annul any contract, deed of conveyance, donation, act or thing heretofore done or agreed to be done, but the same shall be taken and construed in the same manner as though this act had never passed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXIII.

An Act to locate a State road in the counties of Martin and Orange.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John P. Davis and James Hawkins of the county of Martin, and George French of the county of Orange, be, and they are hereby appointed commissioners to view, mark and locate a State road from George French's in the county of Orange; thence on the nearest and best route via Natchez, to John P. Davis's mill; thence to intersect the Jasper and Hindostan State road at William B. Pine's, in Martin county.

SEC. 2. The commissioners appointed by the first section of this act shall meet at the house of George French on the second Monday in June next, or any subsequent day a majority may agree upon, and after taking an oath faithfully to discharge the duties required by the provisions of this act, shall proceed to locate the road as required by the first section of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXIV.

An Act to amend an act, entitled "An act to incorporate the Perrysville Canal Lock Company," approved February 12, 1844, and to correct a misprint therein.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the ninth section of the act to which this is an amendment, the names of Moses J. Linolen and James J. McAlbley are hereby declared a misprint, and are hereby made to read Moses J. Lincoln and James J. McAlilly, and also, that the words "Williamsport Lock Company," are declared a misprint, and are hereby made to read, "Williamsport Canal Lock Company."

SEC. 2. That the said Williamsport Canal Lock Company shall have the privilege, and are hereby authorized to unite and connect the Wabash and Erie canal with the Wabash river in Fountain county, opposite the town of Williamsport, in Warren county, and to use the water of said canal for the purpose of transporting boats and other water crafts of suitable dimensions, and for such other purposes as may be necessary to carry into effect the design of said incorporation.

SEC. 3. That the eighth section of the above recited act, be, and the same is hereby repealed.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCLXV.

An Act to authorize the purchase of real estate by George W. Lane.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the proper probate court to ratify and confirm any purchase that may hereafter be made by George W. Lane, administrator of the estate of Arthur St. Clair, deceased, of the following lands, to-wit: The south-west quarter of section twenty-three, (23) township fifteen, (15) range four (4) west, containing one hundred and sixty acres; also, the south-west quarter of the north-east quarter of the same section, township, and range, lying in the county of Marion, late the property of the said St. Clair:

Provided, That said sale shall not be for less than the appraised value thereof: *And provided further*, That the proceedings in reference to the said sale be governed in all things by the laws now in force regulating sales of real estate by administrators, except so far as the same prohibits administrators from becoming purchasers at their own sales.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXVI.

An Act to establish a Free Turnpike Road in the county of Adams.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lewis Mattox, James Crabs, and Alvan Randall, of the county of Adams, be and they are hereby appointed commissioners to lay out and establish a free turnpike road in the county of Adams, commencing at a point near Alexander, where the Richmond and Fort Wayne State road intersects said county line; thence through the central part of said county, as straight as practicable, to the town of Decatur; thence on the nearest and best ground to the town of Monmouth; thence on the line of the State road leading to Fort Wayne, as near as the nature of the ground will permit, to the county line of said county, which shall be constructed, repaired, and preserved in the manner pointed out by this act.

SEC. 2. The said commissioners shall have power to appoint a superintendent or superintendents, or such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers intrusted to them by this act, and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions or donations in labor, money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for opening and finishing said road, in the first instance, along such portions of the line thereof as in their judgment will render the road most available for travel and transportation, and they shall have power to procure all necessary implements and fixtures to preserve and keep said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of April next, or within ninety days thereafter, and organize by

choosing one of their number president of said board; they shall then take measures to view, locate, and establish said road, and of all such locations they shall file a copy with the auditor of Adams county.

SEC. 5. That for the purpose of aiding the construction and completion of said road, there shall be appropriated the entire road tax arising in any manner, on all lands and town lots, for two miles on each side of said road, until it shall come within two miles of the St. Mary's river, then said appropriation shall only apply to the two miles on the west side of said road until it strikes said river, but after said road shall have crossed the river, then the appropriation, as above stated, shall extend four miles in width from the river on the side which said road is located.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditor, and paid over to said commissioners or their agent, and all taxes so computed and paid over shall be expended on said road by said commissioners, and persons owing taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners or their agents appointed for that purpose.

SEC. 7. The said commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 8. The said commissioners and their successors shall be a corporation, by the name and style of the Decatur and Monmouth Free Turnpike Road Company, and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and it shall be the duty of said commissioners to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, and the amount collected in each case shall be applied to said road.

SEC. 9. The said commissioners shall annually, in the month of January, make a full settlement of their receipts and expenditures under this act, and deposite a copy thereof in the auditor's office of Adams county.

SEC. 10. It shall be the duty of the county auditor, in computing the portion of road tax that shall accrue within the aforesaid limits on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which any part shall be within said limits, and for all duties performed by him under this act, shall be allowed the same fees as are allowed by law for similar services in other cases.

SEC. 11. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more, subject to the decision of the county commissioners, and

when any vacancy shall happen in said board, created by this act, by death, resignation, or otherwise, the commissioners of the county shall fill the same, on being notified thereof, as often as the same may occur.

SEC. 12. The expenses of surveying and locating said road, and other expenses incidental to the construction, preservation, superintendence, and repair of the same, shall be paid out of the funds appropriated by this act to the preservation, construction, and repair of said road.

SEC. 13. The supervisor of any road district through which any part of said road may pass, is hereby authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation, and repair of said road, and the same shall be applied under the direction of said commissioners, or their agent or agents, and that all donations, subscriptions or road taxes, under the provisions of this act, that is subject to be discharged by labor, shall be done and performed previous to the first day of November.

SEC. 14. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXVII.

An Act to incorporate the Noland's Fork Canal Company.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is desirable to construct a canal from Centreville, in Wayne county, or from some point as near thereto as practicable, to intersect the White Water Valley Canal at the feeder dam above Connersville; therefore, for the purpose of inducing the investment of private capital for the completion of the Noland's Fork Canal,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John S. Newman, James Rariden, William Morton, James Forkner, Myers Seaton, Charles Cohen, Nathan Hollingsworth, Sebastian Niff, Dickson Hurst, Solomon Brumfield, and Ephraim J. Merritt, of the county of Wayne, and State of Indiana, their associates and successors be, and they are hereby constituted a and made a body politic and corporate, and shall be and remain such forever under the name of the Noland's Fork Canal Company, and by that name, may contract and be contracted with, may sue and be sued, in all courts having competent jurisdiction, and do all

other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. In consideration that said company shall, within five years from and after the first day of March, 1845, complete said canal, they shall be entitled to receive tolls upon the same, not exceeding eight per cent. over and above the net profits of said canal and water privileges arising therefrom.

SEC. 3. That the capital stock of said company shall be seventy-five thousand dollars, which may be increased if necessary, either for the construction of said canal, or any appendages needful for the enjoyment of the same, or for the construction of mills, machinery, or manufacturing establishments, requisite or expedient, for the profitable use of the hydraulic privileges growing out of said canal, or for keeping up, maintaining, and carrying on the same.

SEC. 4. That as soon as twenty-five thousand dollars of capital stock shall have been subscribed, the stockholders may elect nine directors, each of whom shall be a stockholder—said directors shall hold their offices for one year and until their successors shall be chosen, as hereinafter provided; at said election, and at all subsequent elections, each stockholder shall have one vote for each share up to ten; one vote on every two shares up to thirty; one vote on every three shares above thirty and up to one hundred: *Provided*, No person or company shall have more than one hundred votes.

SEC. 5. The persons named in the first section of this act, or any six of them, shall, as soon as may be convenient or expedient after the passage of this act, meet at some convenient place, and cause books to be opened for subscription of the capital stock of said company, giving reasonable notice of the time and place of opening said books. The books of subscription shall be kept open so long as such persons may deem expedient; and if there shall be a surplus of stock subscribed, said persons are empowered to make the requisite reductions per cent. according to the amount subscribed, and fifty dollars shall constitute a share in said capital stock.

SEC. 6. That the fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third sections of an act, entitled an act to incorporate the White Water Valley Canal Company, approved January 20th, 1842, and all the provisions of said sections be extended to the benefit of said Noland's Fork Canal Company, and shall be considered as constituting a part of this act of incorporation; *Provided*, That said canal shall be so constructed as to give Nathan Hollingsworth the water and water privileges of said Noland's Fork of White Water, by means of a lock or otherwise, for the use of his mills, in such manner as to secure to him all the water of said stream in times of low water, and equal facilities in using the same to what he now enjoys, and which he is now entitled to by law.

SEC. 7. *It is further enacted*, That in case the above named persons, thus incorporated as the Noland's Fork Canal Company, shall after their organization, and a thorough survey of the proposed route for said canal, deem it inexpedient to construct the same, the said company may, by the consent of the stockholders, be, and they are hereby constituted a body corporate, with full power to construct a railroad from the town of Centreville, in the county of Wayne, to intersect the White Water Valley Canal at the town of Connersville, in the county of Fayette, or at any other point on said canal above said town of Connersville, they may deem most expedient.

SEC. 8. That the provisions of an act, entitled an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, approved January 28th, 1842, be, and the same are hereby extended to the company as constituted in the first section of this act, so far as they may be applicable; and the company so constituted, shall be known by the name of the Noland's Fork Railroad Company; *Provided*, That said road shall not be considered as forming any part of the system of public works of this State.

SEC. 9. The privileges hereby granted in the foregoing sections of this act shall continue for the term of seventy-five years from the passage thereof, and no longer.

SEC. 10. This act shall be in force from and after its passage.

CHAPTER CCLXVIII.

An Act to incorporate the Silver Creek Bridge Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the Silver Creek Bridge Company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being carried into effect the purposes of this act, and of suing and being sued, defending and be defended in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this State or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That James Brooks, Noah H. Cobb, and Daniel W. Norris, of Floyd county, and Wood Mabury, Athenatim Wathem, and

Simon Bottorff, of the county of Clark, be and they are hereby appointed commissioners to open books for securing subscriptions to the capital stock of said corporation, and said books shall be opened on or before the first of September 1845, and each of said commissioners may receive subscriptions.

SEC. 3. For the purpose of facilitating the construction of a bridge over Silver creek, between New Albany and Jeffersonville, the State of Indiana hereby surrenders to the said corporation the unfinished bridge on the Jeffersonville and Crawfordsville road, between New Albany and Jeffersonville, together with such materials as have been provided by said State, and the lands occupied by said bridge, and necessary for the same.

SEC. 4. As soon as the amount which said commissioners shall deem to be sufficient for the completion of said bridge is subscribed, they shall give notice to the stockholders to meet and elect five trustees, who may choose a president and secretary from their own number, and said board of trustees so elected shall hold their offices for the term of two years, and until their successors are elected and qualified, and the board of trustees of said corporation shall have the management of all the affairs of said company.

SEC. 5. The capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of twenty dollars each, to be paid for as the trustees to be elected, as aforesaid, shall direct.

SEC. 6. When the bridge shall be completed, it shall be lawful for said corporation to erect a toll gate on or near such bridge, and demand and receive the following tolls for crossing thereon: For every vehicle drawn by one horse, ten cents; for one drawn by two horses, fifteen cents; and for every additional horse, three cents; for every head of sheep or hogs, one cent; for every head of any other kind of stock, two cents; for a horseman, five cents; the same tolls may be demanded for every vehicle when drawn by mules or oxen as if drawn by horses; a list of the foregoing rates of toll shall be kept posted up in some convenient place on said bridge: *Provided*, That no toll shall be demanded of any person or persons going to or from funerals or religious meetings.

SEC. 7. If any person shall wilfully injure or impair said bridge, said corporation, in an action of trespass, may recover of such person treble damages for the injury sustained, and if any person shall forcibly pass said bridge without paying toll, said corporation may, in an action of debt against such person, recover ten times the amount of the legal toll.

SEC. 8. At the expiration of ten years, said bridge may revert to the State of Indiana, if said State will pay to the company what the value of the work done and materials furnished by the company shall be; the value of such work done and materials furnished to be ascertained by commissioners appointed by the Governor.

SEC. 9. Said corporation shall have the right to repair and keep

in repair any part of the Crawfordsville and Jeffersonville road, between New Albany and Jeffersonville, under the same restrictions and limitations as are provided in this act, with regard to said Silver creek bridge.

SEC. 10. This act, for all judicial purposes, is declared a public act, and shall be in force from and after its passage; and the legislature hereby reserves the right to alter, amend, or repeal the same for any violation of any of its provisions by said corporation.

CHAPTER CCLXIX.

An Act for the relief of the Administrators of John Sims, deceased, late of Morgan County, and for the benefit of the creditors of the said John Sims, deceased.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judge of the probate court of Morgan county be, and he is hereby fully authorized and empowered to order and decree, that the administrators of the estate of John Sims, deceased, late of Morgan county in this State, may sell the whole or any part of the real estate of which the said John Sims was at the time of his death seized and possessed, either by a legal or equitable title, at two thirds of its appraised value, instead of the full amount of the appraised value thereof, as is provided in the 233d section of the 30th chapter of the Revised Laws of 1843, for the sale of the real estate of decedent persons: *Provided nevertheless*, That the said administrators shall pursue all the legal steps required by the laws now in force upon that subject, and that the court shall exercise all the powers in and about making and prescribing the terms of any sale of any part or the whole of said property, except as herein before excepted, that he and they are required to do or perform by the laws now in force regulating the disposition of the real estate of decedents: *Provided, however*, Nothing in this section shall be so construed as to interfere with the vested rights of the widow.

SEC. 2. That the administrators aforesaid shall be entitled to receive the rents and profits now and hereafter arising from the real estate of the said decedent, for the purpose of paying off the debts outstanding against the estate of said John Sims, deceased, until a sale can be effected of said lands, and that the said judge of said court shall have full power in prescribing the terms of sale of any or the whole of said lands, to order that the purchaser or

purchasers thereof be put into the immediate possession of any land purchased under the provisions of this act, upon complying fully with the terms of said sale: *Provided, however*, That said administrators shall proceed in disposing of the rents and profits of said lands for the purposes aforesaid, under, and by the laws now in force regulating the disposition of the personal property of decedents.

SEC. 3. All laws and parts of laws coming within the purview of this act be, and the same are hereby declared inapplicable to the settlement of this estate.

SEC. 3. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Morgan county circuit court.

CHAPTER CCLXX.

An Act to legalize the proceedings of Stevens Casey.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to this General Assembly that Stephens Casey of Grant county, was, at the May term of the probate court of said county, in the year 1841, duly authorized to administer on the estate of John Methy, late of said county deceased; and it is further represented, that after having administered upon all the goods, chattels, moneys, credits and effects of said estate as he believed, there was other property came to his knowledge which was by the said Casey administered upon in all respects according to law, with the exception of his having failed to advertise and appraise said property; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and proceedings of Stevens Casey, administrator of the estate of John Methy, late of Grant county, deceased, so far as relates to the sale of certain property without the appraisal, be, and the same are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXXI.

An Act abolishing the office of County Auditor in the County of Blackford.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of county auditor be, and the same is hereby abolished in the county of Blackford.

SEC. 2. The duties heretofore required to be performed by the county auditor of said county, named in the first section of this act, shall in all things be performed and exercised by the clerk of the circuit court of said county, in the same manner, and subject to the same liabilities and entrusted with the same powers that by law now is required of and bestowed upon county auditors.

SEC. 3. It shall be the duty of the above named clerk, before entering on his duties as is required in the second section of this act, to give an additional bond, to be approved of by the county board of said county, conditioned for the faithful performance of the duties hereby enjoined as is required by law.

SEC. 4. It shall be the duty of the board doing county business in said county, to allow their clerk any sum not exceeding one hundred dollars and the perquisites of the office, for the services required of him by the provisions of this act.

SEC. 5. It shall be the duty of the county auditor named in this act to deliver over all books and papers appertaining to said office to the clerk of the circuit court, so soon as a copy of this act is filed in the clerk's office of his county, and the said clerk comply with the requisitions of the third section of this act, and he is hereby required to receipt for the same.

SEC. 6. This act shall take effect and be in force from and after its passage; and all acts and parts of acts contravening the provisions of this act are hereby repealed, so far as relates to Blackford county; and it is made the duty of the Secretary of State to forward a certified copy of this act to the clerk named in the first section of this act.

CHAPTER CCLXXII.

An Act in relation to the County Seminary Fund of Laporte County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all moneys collected on forfeited recognizances in the county of Laporte, shall be regarded and held as belonging to and a part of the county seminary fund of said county, and as such shall be managed and controlled by the officers having charge of said seminary fund as other moneys belonging thereto.

SEC. 2. This act shall be in force from and after its passage; and all laws conflicting herewith are hereby repealed, so far as relates to the county of Laporte.

CHAPTER CCLXXIII.

An Act to repeal part of an act, entitled "An act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above recited act as relates to the county of Dubois, be, and the same are hereby repealed; and the provisions of the Revised Statutes of 1843, in relation to county commissioners, be, and the same is hereby revived in the county of Dubois.

SEC. 2. This act to take effect and be in force from and after the first day of July next.

CHAPTER CCLXXIV.

An Act to amend an act to incorporate the College Corner and Liberty Turnpike Company, and the Liberty and Abington Turnpike Company, approved January 15, 1844.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the sixth section of the above recited act as reserves to the Legislature the right to amend or repeal said charter be, and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXV.

An Act to change the time of holding Probate Courts in the county of Ripley.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the May and November terms of the probate courts, in Ripley county, shall hereafter commence on the first Mondays of each month above mentioned.

SEC. 2. That all matters that are now, or that may hereafter be, pending in said court shall be conducted in all respects in conformity to the provisions of the first section of this act.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCLXXVI.

An Act for the benefit of Lewis Orth, David Wade, and James Thomas.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the conveyances heretofore made by Lewis Orth to David Wade, of the north-east quarter of the south-east quarter of section seventeen, township fourteen, north of range two west; also, ten acres in the north-east quarter of section seventeen, township fourteen, range two west, sold and conveyed to James Thomas, and also town lot numbered thirty-five, in the town of Stilesville, Hendricks county, Indiana, be and the same are hereby legalized, and the same shall have the same force and effect as if the said Lewis Orth had have been at the time said conveyance was made, a citizen of the United States.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXVII.

An Act to authorize the re-valuation of school land in Crawford County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of the school section in township three south, of range two east, in the county of Crawford, are hereby authorized and required to re-appraise the northwest quarter of section sixteen, in township three south, of range two east.

SEC. 2. That the school commissioner of said county is hereby authorized to proceed and sell the same under the laws now in force regulating the same.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CCLXXVIII.

An Act in relation to the County Auditor and Treasurer of Elkhart County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the board of commissioners of Elkhart county, the county auditor and county treasurer shall make out and present to said board an account of the expenditures in their respective offices for fire wood, candles, stationery, and other purposes connected with the discharge of their official duties, which said accounts shall be examined by said board, and if found in all things correct, the said board shall order the amount thereof to be paid out of the county treasury as other claims are paid.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXIX.

An Act to change the mode of doing county business in the county of Washington.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act approved January 31, 1842, to change the mode of doing county business in the county of Washington, be, and the same is hereby repealed.

SEC. 2. That the general law in the Revised Statutes of eighteen hundred and forty-three regulating the mode of doing county business by three county commissioners elected by the people, is hereby declared to be in force in the county of Washington.

SEC. 3. That the present board shall remain in office and do all the business required by law of said board, until the board of county commissioners is elected and qualified according to law.

SEC. 4. The board shall, previous to the next August election, as the general law directs, lay off the county into three districts for the purpose of selecting commissioners.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCLXXX.

An Act for the relief of Benoni Stinson and George W. Miller, Trustees of school district number four, in Vanderburgh County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of the inhabitants of congressional township number six south, of range eleven west, in Vanderburgh county, be, and he is hereby authorized and required to pay out of the dividend of school money belonging to school district number four in said county, the full amount of a judgment together with the interest and costs thereon, rendered against Benoni Stinson and George W. Miller, trustees of said school district and their sureties, for money by said trustees borrowed of the school commissioner of Vanderburgh county, for the purpose of erecting a school house in said district number four in said county.

SEC. 2. In case the said treasurer has not a sufficiency of money belonging to said district now in his hands to pay the whole amount of the judgment, interest, and costs, he is hereby authorized to apply thereto whatever amount he may have; and of the first funds he may hereafter receive belonging to said district, it is hereby made his duty to apply so much as is necessary to the payment of the balance of said judgment.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXI.

An Act for the relief of Alfred Miles and Mary his wife.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented that on the 27th day of January 1842, that William Matthews and Mary his wife, conveyed to Alfred Miles and Mary his wife, the north east quarter of section twenty-four, in township five north, of range eleven east, lying in Jefferson county, to have and to hold to said Alfred Miles and to Mary his wife, for and during both and each of their natural lives; and after the death of said Alfred Miles, and said Mary Miles; then to the heirs and children of said Mary Miles: AND WHEREAS, it is represented that said Alfred and Mary Miles have four children

for whose benefit it would be that said land should be sold, and their interest therein be appropriated to their maintenance and education, and to the purchase of other property; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of the county of Jefferson, be, and they are hereby authorized, on the petition and application of said Alfred Miles and Mary his wife, against their said children, to take jurisdiction of the matter, and on a due examination of the case, to order a sale of the interest of said children or not, as said court shall deem for the best interest of said children; which sale, if ordered, shall be governed by the same principles as other sales of infants' property by their guardians; and the purchaser at such sale shall hold said land freed and discharged from all right and interest therein of the children of said Mary Miles now born, or hereafter to be born.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXII.

An Act to incorporate the Lawrenceburgh Seminary of Learning in the County of Dearborn.

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. G. W. Comyges, J. H. Brower, Owen Tousey, George Tousey, Wm. E. Craft, Wm. Tate, Wm. Brown, J. H. Lane, John Calihan, Josiah Beldem, A. B. Adams, Wm. McCullough, Abraham Roland, Geo. H. Dunn, E. Morgan, Stephen Ludlow, B. S. Ferris, B. Stockman, B. Mahew, and their successors in office, be, and they are hereby constituted a body corporate by the name and style of "The Lawrenceburgh Seminary of Learning," and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same change, alter, and renew at pleasure.

SEC. 2. The said trustees, in their corporate name, may purchase or receive by gift, grant, or donation, such books, maps, charts, philosophical and scientific apparatus and such other personal property as may be necessary and proper, and hold, use, and dispose of the same for the benefit of said seminary; and may also purchase or receive by gift, grant, donation, bequest, or conveyance, any

real estate, and hold and enjoy, sell, convey, rent, or hire the same at pleasure for the benefit and advantage of said seminary: *Provided, however,* That said institution shall not, at any time, hold real estate to such an amount as that the annual income thereof shall exceed three thousand dollars, nor shall any fund or parts of funds of said institution be used for banking purposes, but this prohibition shall not prevent said incorporation from acquiring, holding or transferring stock in any legally incorporated bank for the benefit of said seminary.

SEC. 3. The said trustees may elect a treasurer and such other officers as may be necessary, prescribe their duties, and require sufficient bonds for the performance of the same; and shall have power to elect the faculty and teachers of the seminary; to appoint a board of visitors; to form by-laws and regulations as may be deemed advisable for the good government of said seminary, its teachers and pupils, and the same to put in execution, make, repeal, alter, amend, or make anew, as to them may seem proper; and to do and perform such other acts, not inconsistent with the laws of this State or of the United States, as they may deem necessary for the purpose of establishing, maintaining, endowing and conducting said institution, for the instruction and education of youth.

SEC. 4. The said trustees shall keep a record of their proceedings and as often as once in each year make them public.

SEC. 5. The Legislature may at any time alter or amend this charter, so as not thereby to violate the objects for which said seminary is established.

SEC. 6. This act to be in force as soon as published in the papers at Lawrenceburgh.

CHAPTER CCLXXXIII.

An Act to extend the terms of the Montgomery Probate Courts.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court within and for the county of Montgomery may sit twelve days at the May and November terms thereof, in each and every year.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXIV.

An Act for the relief of purchasers of Seminary lands in Monroe county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all purchasers of seminary or college lands, whose contracts are forfeited to the State for non-payment of interest, and not re-sold, are hereby authorized to pay to the commissioner, or other person authorized to receive such funds, all arrearages of interest and costs due thereon within three months from and after the passage of this act, and on payment thereof such forfeiture is set aside and the several purchasers restored to their respective rights as though such forfeiture had not taken place.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXV.

An Act to amend an act to incorporate the town of Aurora, approved February 18, 1839.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president and trustees of the town of Aurora are hereby authorized to vacate any street or alley in said town: *Provided,* At least thirty days previous notice is given by the person or persons wishing the said vacation, and the consent of the property holders adjoining, and one half of the resident property holders in said town are obtained, and the said board of trustees are satisfied said vacation will not prejudice the public convenience.

SEC. 2. This act to take effect from and after its publication.

CHAPTER CCLXXXVI.

An Act for the relief of Elijah Rieves.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Elijah Rieves of Delaware county, be, and he is hereby authorized to file his petition in the Delaware circuit court for a divorce from his wife, Sarah Rieves, to be governed in all things by the laws now in force, except that the said Elijah Rieves shall not be required to aver in his bill of complaint, or prove on the hearing and trial thereof, the abandonment of said Sarah from her said husband for two years previous to filing his petition.

SEC. 2. This act shall take effect and be in force from and after its passage and a duly certified copy thereof filed in the office of the clerk of Delaware county.

CHAPTER CCLXXXVII.

An Act for the relief of Priscilla Lazenby, and others.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judgment, order, decree, and proceedings of the Dearborn circuit court of the term of March, 1833, in the case of Robert Huddleston vs. the residue of the heirs of Thomas Huddleston; deceased, on petition for partition; and the judgment, order, decree, and proceedings of the probate court of the said county of Dearborn, of the term of November, 1837, relative to the partition of the real estate which was of one William Huddleston, deceased, be, and the same are hereby declared to be valid and good, and sufficient in law to vest in the several persons therein mentioned, and the person or persons holding or claiming by, through, or under them, the several tracts of land therein set apart to them respectively.

SEC. 2. That the said judgments, orders, decrees, and proceedings shall, in all courts of justice, be decreed and taken as conclusive between the parties to said proceedings, and all persons holding or claiming, by, through, or under them.

SEC. 3. That the State of Indiana doth hereby grant, release, and forever quit claim unto the several persons respectively, now

claiming or holding said lands, by, through, or under the persons to whom the same were, by the proceedings aforesaid set apart, all her right and title to the several tracts or parcels of land in said proceedings mentioned, acquired by escheat thereof, for alienage.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXVIII.

An Act to incorporate the Philaethean Literary Society of South Hanover College.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The Philaethean Society of South Hanover College was incorporated by an act of the General Assembly, approved February 10th, 1841: AND WHEREAS, By the abandonment of the charter of the College at South Hanover by the trustees thereof, said Society was dissolved: AND WHEREAS, The College at South Hanover has been again incorporated by an act of this session of the General Assembly; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Society now existing at South Hanover, attached to the College aforesaid and known as the Philaethean Society, be, and the same is hereby invested with all the rights, powers and authorities which were granted to said Society by said previous act of incorporation.

SEC. 2. The said act of incorporation is hereby revived and declared to be in full force and effect—the Legislature retaining the right at any time to repeal it.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCLXXXIX.

An Act to vacate a certain part of the town of Numa, in the County of Parke.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That out-lots numbers one, two, three, four, five, six, seven, eight, and nine, of the town of Numa, in the county of Parke, be, and the same, together with the streets running between said lots, are hereby vacated.

SEC. 2. The recorder of said county of Parke, is hereby authorized to change the plat of said town of Numa, so that the alleys through the lots numbered from seventeen to sixty-four inclusive, so that said alleys shall run east and west, instead of north and south, as now laid off and recorded, and the said recorder is hereby authorized to record a new and complete plat of said town of Numa.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCXC.

An Act to incorporate the Valparaiso Turnpike Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of making a turnpike in the county of Porter and for transacting all business incident thereto, John D. Ross, George G. Galger, and Enos Thomas, and their associates, be and they are hereby constituted a body politic and corporate by the name and style of the Valparaiso Turnpike Company, and by and in such corporate name and capacity may sue and be sued, plead and be impleaded in any of the courts of law and equity in this State.

SEC. 2. The process against said corporation shall be by summons, and being served on the president or any director thereof shall be sufficient, and the further proceedings the same as against natural persons.

SEC. 3. The capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of two dollars each, but it shall be lawful for said corporation to commence when and so soon as one thousand dollars shall be subscribed for, and with that

capital to commence, conduct, and carry on the same until they shall find it expedient to enlarge their stock, which they are authorized to do from time to time, to the amount herein before mentioned.

SEC. 4. The books for the purpose of procuring subscriptions to said stock shall be opened by John D. Ross, George G. Galger, and Enos Thomas, or any two of them, at Valparaiso, in Porter county, and such other places as to them or any two of them shall seem fit, and they are hereby appointed commissioners to receive subscriptions to said stock on such days and times as they shall appoint after the passage of this act, and the sum of one dollar at least on each share shall be paid previous to the election of directors.

SEC. 5. So soon as the sum of two thousand dollars shall be subscribed, and the aforesaid amount paid in, the commissioners appointed to receive the same shall appoint a day and place at which the stockholders shall meet and pay the said instalment on their respective shares and elect directors, giving at least ten days notice by advertisement in some newspaper printed in the proper county, or a notice affixed to the court house door, of the place and time of such meeting.

SEC. 6. The stock, property, and concerns of said corporation shall be managed by five directors, to be annually chosen by the stockholders on the first Monday in March in each year, said directors being stockholders and residents of Porter county, and shall hold their offices for the term of one year, and until the next annual election.

SEC. 7. All elections to be by ballot; each share shall be entitled to one vote and may be given by proxy.

SEC. 8. The first election herein contemplated, shall be held under the direction of the commissioners, and all subsequent ones under the direction of the directors.

SEC. 9. The directors chosen under this act shall immediately proceed to elect one of their body president, and if any vacancy shall occur either of president or any of the directors, the remaining directors shall appoint from among the stockholders suitable persons to fill such vacancies for the remainder of the term for which such directors or president were elected.

SEC. 10. The board of directors, or a quorum thereof, shall have power to form such by-laws and ordinances as from time to time seem to them to be needful and proper for the management and conduct of said corporation in disposing of the stock, property, estate, and effects of said corporation, and to do all other things necessary to the promotion of the objects of said corporation as shall be consistent with the laws of the United States and the State of Indiana.

SEC. 11. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided,* That no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the

president, which book, as well as all others kept by the corporation, shall, at all times suitable for transacting business, be open to the inspection of any stockholder or person having any demand against the corporation or any member of it, and in case any officer or member of said corporation, or any other person entrusted with the charge of said books, shall refuse to let any person interested as above mentioned in said books examine the same on reasonable demand, such officer or other person shall be subject to a fine of fifty dollars for every such offence, to be recovered by indictment in the Porter county circuit court, which fine shall be for the use of the county seminary of said county.

SEC. 12. The directors shall at all times keep or cause to be kept at some proper place, books of accounts, in which shall be entered all the transactions of said corporation.

SEC. 13. The corporation hereby created shall not engage in the business of banking or issue any kind of paper to pass as a circulating medium.

SEC. 14. The corporation by its agents shall have full power from time to time to examine, survey, and locate the route for a turnpike road commencing at Cheney's mill, in Porter county, and running as near as practicable on a straight line from thence to intersect the Chicago road at the most convenient point on Fort creek, in Porter county: *Provided*, That if the said agent or agents should locate the said turnpike on the State road, or any part thereof, running from Valparaiso by Thomas's mill to Michigan City, the said corporation shall pay such damages to the treasurer of Porter county, for the use of roads of said counties, as may be assessed by Jeremiah Hamel, David Oaks, and Benjamin N. Spencer, who are hereby appointed commissioners to assess the damages.

SEC. 15. It shall be the duty of the board of commissioners doing county business within and for the said county of Porter, at any regular session of said board of commissioners, to fix a tariff of rates or tolls to be charged by said corporation, and to change or alter them at pleasure, not oftener than once a year, and said company shall not be permitted to take or receive a greater sum than shall be so fixed by said board of county commissioners.

SEC. 16. The corporation shall commence the construction of said road within two years after the opening of the books, and from time to time construct so much thereof as may be within the ability and to the interest of the company, and shall complete the same within five years from its commencement.

CHAPTER CCXCI.

An Act relative to Overseers of the Poor in Ripley County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the twentieth section of an act, entitled, An act to regulate the mode of doing county business in the several counties in this State, approved February 17th, 1838, and the ninth and tenth sections of an act, entitled, An act for the relief of the poor, approved February 17, 1838, be, and the same are hereby revived and declared to be in full force in the county of Ripley, and all laws or parts of laws now in force, coming in contravention with this act, are hereby repealed.

SEC. 2. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy as soon as convenient, to the auditor of the county of Ripley.

CHAPTER CCXCII.

An Act to amend an act, entitled "An act to incorporate the Cambridge City and Venice Turnpike Company," approved February 6, 1843.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Vinton and Joseph Howard of Wayne county, Charles Hubbard and William Port of Fayette county, Jacob Dubois and Benjamin F. Maloney of Union county, and Samuel Murphy and Abraham Jones of Franklin county, and their associates and successors be, and they are hereby constituted and made a body corporate and politic under the name of "The Germantown and Venice Turnpike Company," and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all the courts having competent jurisdiction, and do and perform all other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of seventy-five thousand dollars, which may be increased at any time to any amount not exceeding one hundred thousand dollars, that may be deemed expedient to carry into execution the legitimate objects of said company; and said stock shall be deemed personal property.

SEC. 3. Said company shall have power to view, mark, locate and construct a turnpike road from Germantown in Wayne county, by way of Waterloo, in Fayette county, Dunlapville in Union county, on the most expedient route in the direction to Cincinnati, so as to intersect the Venice and Milton turnpike road at its intersection of the State line.

SEC. 4. That the first, second, sixteenth and seventeenth sections of the act to which this is an amendment, and so much of the tenth section of said act as comes within the purview of this act, be, and the same are hereby repealed.

SEC. 5. That Jesse Starr, William Youse, William Huett, John Spivy, and Henry Rider, under the name and style of the Liberty and Connersville Turnpike Company, be constituted a body corporate and politic, with the privileges contained in this act, and the act to which this is amendatory, with a capital stock of fifty thousand dollars, to construct a turnpike road from Liberty, in Union county, through Brownsville and Springersville to Connersville in Fayette county.

SEC. 6. This act shall be in force from and after its passage, and be deemed a public act, and shall be liberally construed.

CHAPTER CCXCIII.

An Act amendatory to an act, entitled, "An act to incorporate the Monroe County Female Seminary, approved January 22, 1833.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That sections thirty, thirty-four, thirty-five, and thirty-six of article eleven, chapter fourteen, of the Revised Code of 1843, shall apply to the Monroe county Female Seminary in all respects as if the said seminary had been therein named.

SEC. 2. That the sixth article of the thirteenth chapter of said code shall apply as fully to all intents and purposes to the Monroe County Female Seminary, to the officers and persons therewith connected, and to the fund thereof, as if said Seminary had been therein specially mentioned; and the rights created and duties required by

said article, shall have the same force and be as obligatory in the county of Monroe, as if that county had been specially named therein.

SEC. 3. That so much of section two of the act to which this is an amendment, as requires said trustees to elect a secretary and treasurer, be repealed; and that said trustees shall elect a clerk, who shall not be of their body, and who shall continue in office during their pleasure.

SEC. 4. That sections three, four, five, eight, nine, twelve, thirteen, fourteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-five, of the act to which this is an amendment, be hereby repealed.

SEC. 5. That the acts of the board of trustees of the Monroe County Female Seminary are hereby legalized.

CHAPTER CCXCIV.

An Act incorporating the Ciceronian Society of Franklin College.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Timothy P. Hedge, John G. Kerr, Henry H. Trimble, Garrett B. Chambers, John Reece, Elmore I. Todd, Nelson Abbott, James S. Reed, Aaron Mattley, Matthew Phares, and others, their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of the Ciceronean Society of Franklin College, and as such shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in any court of law or equity having jurisdiction, and shall be authorized to have a common seal, and the same to alter and renew at pleasure.

SEC. 2. The capital stock of said society may consist of any sum the yearly income of which shall not exceed five thousand dollars, to be divided into shares of such value as the society shall decide, and shall be assignable and transferable at pleasure, on the proper books of said society, to be provided for that purpose.

SEC. 3. The members of the society shall elect from their own number, periodically, five trustees, who shall hold their offices for a specified term and until their successors may be chosen and qualified; the trustees shall have power, with the consent of the society, to fill vacancies in their own body; the society shall have power to adopt such by-laws and to appoint such officers as may be deemed neces-

sary for the general government of the society, not contrary to the laws of this State or of the United States.

SEC. 4. The society shall be capable in law to receive and hold property, either real or personal: *Provided*, The proceeds thereof shall be applied solely to the objects of the society.

SEC. 5. This act shall be in force from and after its passage, and may be amended or repealed by any subsequent act of the legislature.

CHAPTER CCXCV.

An Act to locate a State road in Jay and Blackford Counties.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law establishing a State road in Jay and Blackford counties, called the Portland and Hartford State road, be understood to locate a certain portion of that road, as follows, to-wit:

SEC. 2. Beginning at the south east corner of John Carwin's land in Knox township, Jay county, thence west on the half section line to the Cambridge City and Fort Wayne State road; thence north on the said road to the north east corner of section fourteen, township twenty-three north, range twelve east; thence west along the section line or as near thereto as practicable, until they intersect the road at a point on said line in Blackford county, where the same road leaves the same.

SEC. 3. That Ellis Davis of the county of Jay, and William Cartwright and Martin Thompson of the county of Blackford, be, and they are hereby appointed commissioners to locate said road according to the provisions of this act.

SEC. 4. That it shall be the duty of said commissioners or a majority of them, on or before the first Monday in May next, after having taken an oath faithfully to discharge their duty as such commissioners, to proceed to re-locate said road according to the provisions of this act; and to make due return thereof to the boards doing county business in the several counties of Jay and Blackford at their next meeting.

SEC. 5. The county boards in the counties of Jay and Blackford, are hereby authorized, and it is hereby made their duty, to pay or defray the expenses of location, in proportion to the length said road may run in each of the aforesaid counties.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCXCVI.

An Act for the relief of Thomas Murphy.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Amos D. Martin, John Wynn, and Enoch McCarty, be and they are hereby appointed commissioners to hear evidence and determine to what amount, if any, is due Thomas Murphy from the State of Indiana, for work done by him as sub-contractor upon section sixty-four of the White Water canal.

SEC. 2. That after taking an oath faithfully and impartially to discharge the duties assigned them by this act, may proceed, when ten days notice shall have been given them by said Murphy, to hear such evidence as they may deem necessary and proper, and therefrom make out an award in writing and transmit the same to the next General Assembly.

SEC. 3. Thomas Murphy shall pay all expenses incurred by the commissioners in examining his claim.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXCVII.

An Act authorizing a change in the application of Water Power at Dam number one near the forks of the Wabash.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assignee, his heirs, executors, or assigns, of the lease heretofore granted by the State to Jesse Vermilya and William Stewart, granting to said Vermilya and Stewart the use of a certain water power at dam number one near the fork of the Wabash, in Huntington county, Indiana, be and he is hereby authorized to use the amount or quantity of water to which he is now entitled under said lease for any purpose he may think proper.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCVIII.

An Act to authorize the election of a School Commissioner in township nine, range one west, in Franklin County.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall and may be lawful for the qualified voters of township nine, range one west, in Franklin county, at the time and place of holding the spring elections in and for said township for the year one thousand eight hundred and forty-five, and tri-annually thereafter, to elect a school commissioner in and for said township, who shall hold his office for the term of three years and until his successor is chosen and qualified.

SEC. 2. The school commissioners of said township, before entering upon the duties of their office, shall respectively take the same oath of office that other school commissioners are required to take, and give bond to the school trustees of said township payable to the State of Indiana, in the penal sum of fifteen thousand dollars with two or more freehold securities, to be approved of said trustees, and conditioned as the bonds of other school commissioners, which bond the said trustees shall cause to be recorded and filed with the other official bonds of said county.

SEC. 3. The said commissioner shall do and perform all the duties and trusts which by law the school commissioners of the several counties of this State are or may be required to do and perform, and for failing so to do, he shall be subject to the same liabilities and penalties; and for similar services receive the same compensation.

SEC. 4. In addition to the duties required by law to be performed by other commissioners, the said township commissioner shall at least in each year, make a detailed report to the school trustees of said township of all funds which may have come into or been paid out of his hands for the preceding year.

SEC. 5. It shall be the duty of the present school commissioner of said county and other persons, to pay over to said township commissioner, the proportion of all school funds due or to be due for the said township aforesaid, who shall receive and receipt for the same, and in like manner all books, mortgages, and papers relating to the school funds in said township.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCXCIX.

An Act to incorporate "The Church of the United Brethren, or Moravians," and to legalize the election and acts of the trustees thereof.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Chitty, Henry Wachler, and John Essex, Jr., of the county of Bartholomew, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Church of the United Brethren, or Moravians," and by said corporate name may sue and be sued, plead and be impleaded in any court of this State, and by that name have perpetual succession; and they shall in law, in said corporate name, be capable of purchasing and holding, bargaining and selling any property, real or personal, for the use of said church, whether by legal or equitable title, not to exceed in value the amount of five thousand dollars in personal property, or real estate the amount of five hundred acres.

SEC. 2. They shall be further empowered to receive all and singular, any subscriptions, gifts, grants, donations and bequests, designed for the benefit of said church, which shall be held and solely applied to the use and benefit of said church, in the manner in which said trustees shall deem the most judicious and expedient.

SEC. 3. It shall be lawful for the trustees of said church to hold meetings at such times and places, and as often as it may suit them, or as their business may require, to sit on adjournments, on the call of the proper officer, or one of their body, and to elect or appoint such officers and establish such rules or by-laws for their government as they or a majority of them may see fit: *Provided,* That such rules or by-laws shall not be incompatible with the constitution or laws of this State or the United States.

SEC. 4. It shall be lawful for the members of said church to perpetuate the board of trustees by annual appointment or in any way they may think proper, and also fill vacancies which may in any way occur; and the trustees at any time chosen, shall hold their office for one year and until their successors are chosen or appointed; they shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. The election of said trustees is hereby legalized, and all their acts and doings are hereby declared valid in law to all intents and purposes in the same manner as they would have been, had they complied with the statute in such case made and provided; and all property now held by said church, either by legal or equitable title,

or designed for the benefit thereof, whether acquired by purchase, subscription, gift, bequest, or donation, is hereby vested in the board of trustees herein created and their successors, for the benefit of said church, the same as though said property had been acquired under the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its passage, and shall be subject to amendment or repeal by the Legislature at any time.

CHAPTER CCC.

An Act to amend an act, entitled, "An act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835, and all acts amendatory thereto.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for commencing and completing one half of said road, be extended the further time of five years, and for completing the other half of said road, the further time of ten years.

SEC. 2. The president and directors of said company are authorized and empowered to agree with any company or companies incorporated to construct a railroad from Buffalo to the Mississippi river, or for any intervening section on said route for connecting routes of travel and general management in business through the whole extent of the roads of the contracting companies, (or any part thereof completed, so as to insure regular intercourse through the entire line of the road or any part completed,) on such terms and conditions, with division of profits and receipts as said companies may stipulate.

SEC. 3. This act to be a public act, and to be in force from and after its passage.

CHAPTER CCCI.

An Act to establish a Free Turnpike Road in Jay county.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Goff, Christopher Hannah, and David Garringer, be and they are hereby appointed commissioners to establish a free turnpike road, on the State road known by the name of the Richmond and Fort Wayne State road, beginning at the south line of Jay county, on said State road; thence on or near said road to Portland; thence on or near said road to Bloomfield; thence to the north line of said county of Jay; which shall be constructed, repaired, and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers intrusted to them by this act, and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

SEC. 4. That the commissioners shall meet on the first Monday of March next, or within one month thereafter, and after being duly sworn shall organize by choosing one of their own number president of said board, they shall then take measures for operations on said road, and file a copy of their proceedings with the auditor of Jay county.

SEC. 5. The taxes levied for road purposes, on all property within two miles on each side of this road, through which said road may pass and between the two extreme points, shall be applied to the making and repairing of said turnpike road; also, this road shall be entitled to its proportional part of all the funds of this State, set apart and to be appropriated to State roads: *Provided,* That all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners or their agents appointed for that purpose, in accordance with the laws now in force in said county regulating road labor on public high-

ways, and the receipts of such commissioners or agents for such labor shall be received by the treasurer and auditor as the receipt of supervisors.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditor, and paid over to said commissioners or their agent, and all taxes so computed and paid over shall be expended on said road by said commissioners.

SEC. 7. The said commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; and they shall expend the money in their hands on such road.

SEC. 8. The said commissioners and their successors shall be a corporation, by the name and style of the Jay county Free Turnpike Road Company, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same or the bridges thereon, and the amount collected in each case shall be applied to said road.

SEC. 9. The said commissioners shall annually, in the month of January, make a full settlement of their receipts and expenditures under this act, with the board of commissioners of said county of Jay and deposite a copy thereof in the auditor's office of Jay county.

SEC. 10. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county shall fill the same, on being notified thereof, as often as the same may occur.

SEC. 11. The incidental expenses for the construction, preservation, superintendence, and repair of the same, shall be paid out of the funds appropriated by this act to the preservation, construction, and repair of said road.

SEC. 12. This act shall take effect and be in force from and after its passage.

CHAPTER CCCII.

An Act authorizing the President and Council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and select council of the town of Lawrenceburgh shall have power and authority to subscribe for and take twenty-five thousand dollars of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company, and to raise funds for the payment of such stock, shall have power and authority to make and issue and sell their bonds under the seal of said corporation, payable in not less than twenty-five years from their date, and bearing interest at the rate of six per cent., payable annually, and therein pledge to the holders of such bonds that the stock so taken on said turnpike company shall with all dividends accruing thereon at any time to be held and bound for the payment of the said bonds and accruing interest on the same, and also, that the interest coupons attached to said bonds shall be receivable at any time for payment of taxes due to the corporate authority of said town: *Provided*, That such stock shall not be subscribed for, nor such bonds issued, unless a majority of the qualified voters of said town at the next annual election hereafter to be held shall vote in favor thereof, by expressing upon their tickets that they are in favor of the subscription for such stock by the said president and select council: *And Provided further*, That the subscription for said stock shall not be deemed binding or obligatory upon said president and select council, nor shall said bonds be issued unless stock in said turnpike company to the amount of twenty-five thousand dollars in addition thereto has been or shall have been subscribed and taken in said company, exclusive of the cost of Laughery bridge and the work already done on the big hill near Lawrenceburgh, by persons who are, in the judgment of said president and council, amply solvent and responsible therefor: *And Provided further*, That such subscription of stock shall not be deemed binding on said president and council, unless within six months thereafter, they shall be able to sell their said bonds at par for cash, payable in such instalments as that all shall become due within four years thereafter, and in no case shall any such bond or bonds be delivered to the purchaser thereof until the same is fully paid for, but such purchaser shall receive a certificate entitling him thereto when such payment is completed: *Provided, however*, That

nothing herein contained shall be deemed or taken as involving the State in any liability or responsibility for the redemption of the bonds hereby authorized or for payment of interest thereon.

SEC. 2. This act shall be deemed a public act and be in force from its passage.

CHAPTER CCCIII.

An Act fixing the times of holding Probate Courts in the County of Greene.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court in the county of Greene shall hereafter be holden as follows, to-wit: On the first Monday of August, of November, of February, and of May of each year, and shall hold their sessions at each term, six days if the business thereof shall so long require it.

SEC. 2. All writs and notices that may have been issued or served before the taking effect of this act, in relation to any matter pending or to be pending in said probate court, are hereby made returnable to the first day of the next term of said court as fixed by this act; and all suits, recognizances, motions, rules, and all other proceedings, which at the time of the taking effect of this act shall be pending in or returnable to said probate court, shall be acted upon therein in the same manner as if this act had been in force at the time they were first commenced, taken, or instituted.

SEC. 3. This act shall take effect and be in force from and after its passage; and the Secretary of State shall immediately forward a copy hereof to the clerk of the probate court.

CHAPTER CCCIV.

An Act for the relief of Juddy Whisman.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Juddy Whisman of the county of Shelby, be, and she is hereby authorized to receive all the estate of her natural son Lorenzo Elliott, deceased, late of said county, after the payment of all said Elliott's debts.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCV.

An Act for the relief of Parmenter M. Parks.

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to this General Assembly that a warrant No. 6789, for the sum of ninety-four dollars and nineteen cents was regularly issued by the auditor of State on the 13th of January last, in favor of Parmenter M. Parks, then and now a Senator of this State from the county of Morgan, which warrant he has casually lost; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of public accounts is hereby authorized to issue a new warrant in favor of said Parmenter M. Parks of the same number and amount, and as of the same date—marking the same duplicate, which shall be paid by the treasurer, and the said former warrant shall be considered null and void—and if ever discovered by said P. M. Parks, it shall be his duty to produce and have the same destroyed by said auditor.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCVI.

An Act for the relief of George H. Dunn.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of public accounts be, and he is hereby authorized and required to audit and allow as a credit to George H. Dunn, late Treasurer of State, the sum of five thousand six hundred and ten dollars and fifty-eight cents, being the amount of his receipt number 1108, given to John J. Graham, treasurer of Morgan county, on the first of March, 1843, for that amount of revenue for 1841, destroyed by the burning of said Graham's house, and which amount was allowed said Graham by virtue of the act for his relief, approved January 31, 1843.

SEC. 2. The said Dunn shall have a reasonable time to establish the fact, if it exist, to the satisfaction of the auditor and treasurer of State, that he is entitled to a further credit in consequence of any accident or mistake which may have occurred in the account of said Dunn, as the late treasurer of State, and that the final settlement of said account be kept open until the expiration of the time aforesaid, and that said Dunn be permitted and authorized to perpetuate testimony in relation to said accident or mistake before any person authorized by law to take and certify the same by giving reasonable notice of the time and place of taking the same to the auditor of State; and such depositions, when so taken, may be read in evidence in any proceeding or application hereafter to be made respecting said accident or mistake.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCVII.

An Act to vacate Canal street in the town of Lockport, Carroll County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Canal street, in the town of Lockport, Carroll county, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCVIII.

An Act to grant New Trials in certain cases therein named.

[APPROVED JANUARY 13, 1845.]

WHEREAS, At the September term of the Owen circuit court, in the State of Indiana, in the year 1841, the branch of the State Bank of Indiana at Terre Haute recovered a judgment for the sum of fifteen hundred dollars principal, with damages and costs, in said court, against one John Young and his endorsers, Samuel Scott, Levi Beem, Isaac Westfall, and Basil Champer, yet in force and unsatisfied, and also another judgment in said court at the same term of said year for the sum of thirty-five hundred dollars principal, and the damages and costs thereon, which judgment is yet in full force and unsatisfied against said John Young, Isaac Westfall, Samuel Scott, Joseph G. Stephenson, James Galletely, George Dingnan, and James Young, and that afterwards, for the same last liability, one John Johnson being also an endorser, but at the time aforesaid being absent from said State of Indiana, the said bank sued out their writ of attachment against him for the same liability, and recovered a judgment against him for the same amount last mentioned: AND WHEREAS, The said endorsers had supposed the notes cancelled, being informed by said Young that the bank refused to discount them: AND WHEREAS, At the trial on said notes in said court they were unable to prove the forgery existing in the premises, and were not apprised until very recently of the facts; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judgment in said cases in said Owen circuit court be and they are hereby set aside, and that new trials be granted therein in each case, and that said court be in said cases governed as in other cases at law.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCCIX.

An Act to divide the county of Dearborn into County Commissioner's districts.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the commissioner's districts in the county of Dearborn shall be as follows, viz: District number one shall comprise the townships of Lawrenceburgh, Miller, Harrison, and Logan; district number two, Kelso, York, Jackson, and Manchester; district number three, Centre, Laughery, Sparta, Clay, and all that part of Caesar north of Laughery creek, any thing in the revised statutes to the contrary notwithstanding: *Provided*, That the commissioners elect shall serve out the terms for which they were elected.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCCX.

An Act to amend an act entitled "An act to incorporate the Trustees of the Laporte University," approved January 20, 1842.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the ninth section of the above entitled act as reserves to the Legislature the right to repeal or amend the same, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXI.

An Act for the benefit of the Clerk of the County of St. Joseph.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The late clerk of the county of St. Joseph has recently died, leaving a large amount of fees on the docket of the circuit and probate courts of said county, belonging to his estate: AND

WHEREAS, The administrator of said estate has ordered the present clerk to issue fee bills in every one of said cases, a task that will, besides consuming his own time for several months, require the service and assistance of paid deputies: AND WHEREAS, By present statutory provision, no fees are allowed for the issuing of fee bills, or of facts, which will prove not only oppressive but grossly unjust to the present clerk who holds his office only till the next August election; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the present clerk of the county of St. Joseph, for issuing fee bills by order of the administrator of his deceased predecessor, shall, in all those cases wherein he has no official fees coming to himself personally, be allowed to tax up with the other costs in the case, the sum of twelve and a half cents for every hundred words in said fee bills for issuing the same.

SEC. 2. This act shall be in force from and after its publication in the South Bend Free Press, a newspaper published in St. Joseph county, at the expense of the said clerk; and it is hereby made the duty of the Secretary of State, immediately to forward to the printer of said newspaper, a certified copy of this act.

CHAPTER CCCXII.

An Act authorizing the location of a State road in the County of Daviess.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hiram Palmer, John Ellis, and William T. Wallace of the county of Daviess, be, and they are hereby appointed commissioners to lay out and mark a State road from John Wise's ferry on the east fork of White river, to run upwards along said river the shortest and best route to New London in said county; thence the shortest and best route to the mills on Mud creek, formerly owned by Abner Davis; thence to intersect the State road leading from the town of Washington, to Portersville, at Elijah Master's old place.

SEC. 2. Said commissioners shall make a correct description of said road, and file the same in the auditor's office of Daviess county; and shall each be entitled to the sum of one dollar per day for their services, to be paid by the said county of Daviess.

SEC. 3. Said commissioners shall have power to employ a surveyor and markers, who shall receive a reasonable compensation for their services, to be determined by the board of commissioners of Daviess county, and to be paid in the same manner as is provided in the second section of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXIII.

An Act for the relief of James Silvers of Rush County.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Rush county, be, and he is hereby required to pay over to James Silvers out of the proper township school fund, the overplus of a re-sale of a certain eighty acre lot of land, purchased by him in the winter of 1829—30, and forfeited for non-payment of interest.

SEC. 2. That said school commissioner in refunding said overplus shall be governed in all things by section one hundred and eighty of the thirteenth chapter of the Revised Statutes of 1843: *Provided*, Nothing in this act shall be so construed as to compel said school commissioner to pay interest on said overplus previous to the time of its passage.

SEC. 4. This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS

PASSED AT THE TWENTY-NINTH SESSION OF THE GENERAL ASSEMBLY
OF THE STATE OF INDIANA.

CHAPTER I.

A Joint Resolution for the relief of David T. Yeakel and Elizur Deming.

[APPROVED JANUARY 13, 1845.]

WHEREAS, An act for the relief of the boatmen on the Wabash and Erie canal, and for the establishment of a medical infirmary, approved January 15, 1844, whereby David T. Yeakel and Elizur Deming were authorized to erect, in the town of Lafayette, an infirmary for the benefit of such boatmen as may from time to time fall sick and stand in need of medical aid: AND WHEREAS, For the purpose of defraying the necessary expenses of said infirmary, the fourth section of said act provided that it shall be the duty of each and every captain or commander engaged in the navigation of the Wabash and Erie canal, to and from Lafayette, to deduct from the wages of each male person of the age of eighteen years and upwards, or others connected with the navigation of his boat, the amount of fifty cents from their monthly wages, from the first of April to the first of December in each year, and the same pay over to the collector of the port at Lafayette on the first day of each month during the time aforesaid: AND WHEREAS, The said act has been decided by the circuit court of Tippecanoe county to be unconstitutional, and the said Yeakel and Deming have thereby been deprived of the benefit of the same by reason of their inability to enforce the collection of the sum aforesaid:

AND WHEREAS, FURTHER, The said Yeakel and Deming have incurred great expense in the erection of said infirmary, under the full conviction that the said act was wholly sufficient for carrying out the purposes of its enactment, and the same has been decided inoperative by reason of its unconstitutionality; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the treasurer of State be and he is hereby authorized to loan David T. Yeakel and Elizur Deming eleven hundred dollars out of the college, bank tax, or other trust funds in his hands, for the term of five years, with the appropriate interest of such funds as he may loan, to be secured by mortgages on lots numbers one and two in the town of Lafayette, with the infirmary buildings thereon: *Provided,* He shall consider the said property when unincumbered sufficient security.

SEC. 2. This joint resolution to be in force from and after its passage.

CHAPTER II.

A Joint Resolution for the relief of the heirs of Henry Martin.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That upon the guardian of the heirs of Henry Martin, late of Marion county, deceased, paying to the treasurer of Marion county the amount of tax with which their land (one hundred and twenty acres) is charged for 1839; then said treasurer shall give a receipt in full for said year on said land, the same as if no penalty had accrued thereon.

SEC. 2. This joint resolution to be in force from and after its passage.

CHAPTER III.

A Joint Resolution with regard to the exhibition of the pupils of the Kentucky Institution for the education of the Blind.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That B. M. Patton, Esq., principal of the Kentucky Institution for the Blind, be, and he is hereby allowed the sum of forty dollars, to defray the travelling expenses of himself and pupils to this city at the present session, for an exhibition of their improvement before the General Assembly: which the auditor is authorized to audit, and the treasurer to pay out of any moneys in the treasury not otherwise appropriated.

SEC. 2. This joint resolution to be in force from and after its passage.

CHAPTER IV.

A Joint Resolution to loan a Theodolite to Asbury University.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the Agent of State is authorized upon the filing with him the receipt of the president of Asbury University, at Greencastle, to loan for the use of said University, a theodolite, to be returned when called for by any proper officer of the State; said instrument to be returned in good order.

SEC. 2. This joint resolution to be in force from and after its passage.

CHAPTER V.

A Joint Resolution in relation to exchanging documents with other States.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That this Legislature regard with high approbation the plan of the several States interchanging documents, copies of their laws and decisions.

SEC. 2. *Resolved further,* That it shall be the duty of the Secretary of State to transmit annually hereafter to the Executive of the several States a printed copy of the annual acts of the General Assembly, and a copy of the decisions of our Supreme court as they may be hereafter published.

SEC. 3. *Be it further Resolved,* That his Excellency the Governor be requested to transmit copies of this joint resolution to the Governor of each of the States of the Union.

CHAPTER VI.

A Joint Resolution on the subject of Robert Downey's improved method of manufacturing Leather.

[APPROVED DECEMBER 20, 1844.]

WHEREAS, It is represented to this General Assembly that Robert Downey, of the city of New Albany, has procured a patent for an improved method of manufacturing leather, and it is desired that said invention shall be tested by scientific and practical men under appointment by this General Assembly; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That A. Clapp, Henry M. Dowling, Somerville E. Leonard, Edward Brown, Sen., and Nathan G. Oldham, be and they are hereby appointed to examine and test said invention by such experiments as they may deem necessary to determine its public utility, and that they report their determination thereon, and make the same public through the public prints: *Provided,* That said Downey shall furnish said examiners with all proper facilities for making all necessary experiments and pay all expenses incurred in such examination.

SEC. 2. If any vacancy shall occur in said board of examiners by death or otherwise, the board doing county business for the county of Floyd are hereby authorized to fill such vacancy.

SEC. 3. This joint resolution shall be in force from and after its publication in the New Albany Gazette at the expense of the said Robert Downey.

CHAPTER VII.

A Joint Resolution in relation to the Improvement of the Wabash River.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The improvement of the Wabash river, as contemplated by an examination and survey made under the authority of the United States, would greatly promote the public interests and the general good, and Congress have, on two several occasions, after due deliberation, sanctioned this conviction by making appropriations to aid in accomplishing the work without avail: AND WHEREAS, This river has been identified with the Wabash and Erie canal from the passage of the act donating lands in 1827, which provided for its connexion with Lake Erie, from a navigable point, and it would be a waste of words to prove that Terre Haute is no more so than Lafayette was in the unimproved condition of this reserved national highway, and the committee on roads and canals of the United States Senate, second session of twenty-third Congress, declared "the claims of the Wabash will be favorably considered for many reasons, and especially the connexion or rather the identity of the river with the Wabash and Erie canal. Its improvement is essential to render the canal of extended and permanent utility, and it may be viewed as a part and portion of the same work:" AND WHEREAS, It is deemed an obligation due to this State in conjunction with our sister States of the Union, to revive the many applications heretofore made to the Congress of the United States upon this subject, and to make every proper effort to advance and benefit the agriculture, commerce, and manufacturing facilities of the country, by urging the proper authorities of the Union, now when our enterprise had been long impeded, and the condition of the finances of this State, and of our sister Illinois, (equally interested in the improvement of the river,) indicate a total want of ability to defray the expense, to act upon this important subject, and no longer allow the prosperity and happiness of at least a million of souls who inhabit a large

and fertile region of the growing west, upon the margin of a national stream, to remain unprovided for; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested to use their best endeavors with every proper effort, to obtain an appropriation during the present session, of that body, of public land or money, for the purpose of improving the navigation of the Wabash.

SEC. 2. *Resolved*, That His Excellency, the Governor, be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CHAPTER VIII.

A Joint Resolution relative to Postage.

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed and our Representatives requested to use their best exertions to procure the passage of a law reducing generally the rates of postage, and making such other modifications in existing laws relative to the post-office department as the interest of the country may require.

SEC. 2. *Be it further resolved by the authority aforesaid*, That his Excellency the Governor be and he is hereby requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER IX.

A Joint Resolution in relation to the completion of the Wabash and Ohio Canal.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Re-

presentatives requested to use their influence to procure the passage of a law, during the present session, appropriating to the State of Indiana all the unsold land in the Vincennes land district, or so much thereof as may be required for the purpose of completing the Wabash and Ohio canal from Terre Haute to Evansville.

SEC. 2. *Be it further resolved by the authority aforesaid*, That his Excellency the Governor be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER X.

A Joint Resolution praying a grant of land to construct the Northern Cross Railroad in the States of Illinois and Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to secure the passage of an act granting to the States of Illinois and Indiana a quantity of land equal to each alternate section for six miles in width on each side of the Northern cross railroad in the States of Illinois and Indiana for the sole use of completing said railroad.

SEC. 2. That the Governor of this State be requested to forward copies of this joint resolution to the Governor of the State of Illinois and each of our Senators and Representatives in Congress.

CHAPTER XI.

A Joint Resolution reviving in part a certain act therein named.

[APPROVED DECEMBER 24, 1844.]

WHEREAS, The act providing for going into the election of a Senator of the United States, was omitted in the Revised Statutes of 1843: AND WHEREAS, It is necessary that an act upon that subject should be passed before the two Houses of the General Assembly can rightfully proceed to the election of that officer; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana, That so much of an act entitled, "An act for the formation of congressional districts and for the election of Senators and Representatives in Congress," approved January 7, 1831, as relates to the election of Senators in Congress, be, and the same is hereby revived and declared to be in full force.*

CHAPTER XII.

A Joint Resolution on the subject of repudiating State debts.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana, That we regard the slightest breach of plighted faith, public or private, as an evidence of a want of that moral principle upon which all obligations depend: that when any State in this Union, shall refuse to recognize her great seal as the sufficient evidence of her obligation, she will have forfeited her station in the sisterhood of States, and will no longer be worthy of their confidence and respect.*

SEC. 2. *Resolved further, That His Excellency, the Governor, be requested to transmit copies of this joint resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.*

CHAPTER XIII.

A Joint Resolution of the General Assembly of the State of Indiana.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The General Assembly of the State of Indiana, in and by an act entitled, "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of Fund Commissioner and Chief Engineer," approved January 28th, 1842, authorized and empowered any person or persons fully and completely to construct a clay or McAdamized road from Bloomington, via Nashville, in Brown county, to Columbus in Bartholomew county: AND

WHEREAS, The route of said road, through the said county of Brown, &c., being in length about thirty-five miles, passes through a portion of the public lands of the United States, which have been in market for more than twenty-six years, without sale, owing to their barrenness and mountainous quality: AND WHEREAS, In the opinion of this General Assembly, the making of a good road through this region, which would form a direct route for a large amount of travel from the northern parts of Kentucky, from Ohio, and other sections of country, through this State to the States of Illinois and Missouri, to the Iowa and Wisconsin Territories, and to the Far West, would be of great public importance and accommodation: That the construction of said road, owing to the hilly or mountainous face of the country through which its route passes, is beyond the ability of any private company who may feel disposed to undertake it, without such assistance as the Congress of the United States has the means of affording, by a grant for that purpose, of a small portion of the public lands adjoining the route of said road: AND WHEREAS, It is also the opinion of this General Assembly, that said grant would have an influential tendency to invite purchasers and settlers upon those Congress lands, which have been so long in market without sale, and which, in the absence of some such inducement, will probably for a long time to come, continue to be an unproductive wilderness; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be respectfully requested to use their endeavors to procure the passage of a law of Congress, authorizing a grant or grants of two miles in width of said lands, on each side of said road, in the said county of Brown, &c., to such company or companies as may be hereafter organized under the provisions of said in part recited act of the General Assembly of Indiana, for the sole and express purpose of aiding and assisting in the construction of said road.*

SEC. 2. *Resolved, That His Excellency, the Governor, be respectfully requested to cause to be forwarded to our Senators and Representatives in Congress, copies of the foregoing preamble and resolutions.*

CHAPTER XIV.

A Joint Resolution on the subject of the Cumberland Road, and Harbor at Michigan City.

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators be instructed, and our Representatives be requested, to exert every honorable effort to procure an appropriation at the present session, for the further prosecution and completion of the Cumberland Road, and Harbor at Michigan City, in the State of Indiana.

SEC. 2. *Be it further resolved*, That His Excellency, the Governor, be requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XV.

A Joint Resolution on the subject of the Wabash and Erie canal.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Superintendent of the Wabash and Erie canal is hereby directed and required to dismiss, within ten days after the passage of this joint resolution, all officers, agents, and others now in the employ of the State, and denominated the State force on said canal; that the said Superintendent is hereby directed and required, after having given thirty days public notice of the time and place, to relet the unfinished portion of the work on the first division of the said canal west of Lafayette: *Provided*, That such reletting shall not exceed in amount twenty per cent. above the original estimates on said canal for the different species of work yet to be done.

SEC. 2. *And be it further Resolved*, That should any of the present contractors on said canal west of Lafayette hereafter relinquish their contracts, it is hereby made the duty of said superintendent, upon being notified of the fact, to relet any such relinquished contract after having given thirty days public notice of the time and place of such reletting: *Provided*, That such reletting shall not exceed an amount twenty per cent. above the original estimates on said canal for the different species of work yet to be done.

SEC. 3. This joint resolution to be in force from and after its passage.

CHAPTER XVI.

A Joint Resolution in relation to a law of the State of New York, permitting a drawback upon Salt of her manufacture introduced within this State.

[APPROVED JANUARY 13, 1845.]

WHEREAS, By an act of the Legislature of the State of New York, passed at the session of 1843, a drawback of twenty-five cents upon each barrel of salt, the manufacture of said State, was permitted upon its introduction at Lafayette, on the Wabash and Erie canal within this State: AND WHEREAS, A desire was expressed by this General Assembly, at its last session, that the benefit of such drawback be extended to that article wherever delivered upon said canal within this State: AND WHEREAS, The Governor of this State, in his recent annual message, announced to this General Assembly, that no answer had been received to his communication upon this subject, addressed to the Governor of the State of New York, under the authority of a joint resolution of this General Assembly, at its last session; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That his Excellency the Governor of this State be, and he is hereby requested, forthwith to renew his application upon this subject to the Governor of the State of New York, on behalf of this General Assembly, expressing its earnest wish, that the benefit of drawback, given under the provisions of said law, may be extended to the article of salt, the manufacture of the State of New York, wherever it may be delivered in this State, upon the line of the Wabash and Erie canal, and requesting him to invite the early attention of the Legislature of the State of New York thereto.

CHAPTER XVII.

A Joint Resolution on the subject of the refuse Public Lands in Indiana.

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Rep-

representatives be requested, to use their exertions to procure the passage of a law for a gradual reduction in the price of the refuse public lands in the State of Indiana; and that the Governor be directed to forward to each of them a copy of the foregoing resolution.

CHAPTER XVIII.

A Joint Resolution on the subject of Oregon Territory.

[APPROVED JANUARY 13, 1845.]

WHEREAS, The Government of the United States of America, has an undoubted right to all the territory commonly known as the Oregon Territory, which lies south of the fifty-second degree of north latitude; and that it is now the interest of the United States to have this territory occupied by its own citizens; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and Representatives be requested, to vote for some measure for notifying the Government of Great Britain, that it is the desire of the Government of the United States to annul and abrogate the treaty between the two Governments, relative to the joint occupation of such Territory by the two Governments.

SEC. 2. *Resolved*, That the Governor forward to each of our Senators and Representatives in Congress a copy of this preamble and resolution immediately after its passage.

CHAPTER XIX.

A Joint Resolution in relation to a grant of land for the completion of the northern end of the Central Canal.

[APPROVED JANUARY 10, 1845.]

WHEREAS, The northern end of the Central Canal passes through a portion of lands of the United States, commonly known as the Miami Reservation: AND WHEREAS, The State of Indiana has expended large sums of money on said canal towards a completion of

the same, which expenditure will be in a measure lost for want of means to further prosecute the work: AND WHEREAS, Its completion from Broad Ripple on the west fork of White River to its intersection with the Wabash and Erie Canal, will not only be of utility to the citizens of this State, but will greatly enhance the value of the lands of the United States aforesaid, and when completed, be of great national importance by the facility of transportation thereby created; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law granting to the State of Indiana a section of land for each alternate mile on both sides of said canal, from Broad Ripple on the west fork of White River, to its intersection with the Wabash and Erie Canal, to be selected out of the lands held by the United States, in what is called the Miami Reservation, for the purpose of enabling said State to complete said Central Canal between the points above mentioned, the United States reserving the right of transportation in case of war or insurrection.

SEC. 2. *Be it further resolved*, That the Governor be requested to forward a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

OFFICE OF SECRETARY OF STATE, }
 Indianapolis, March 13, 1845. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus] inserted to aid the sense, or to supply omissions in enrolling.

JOHN H. THOMPSON,
Secretary of State.

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